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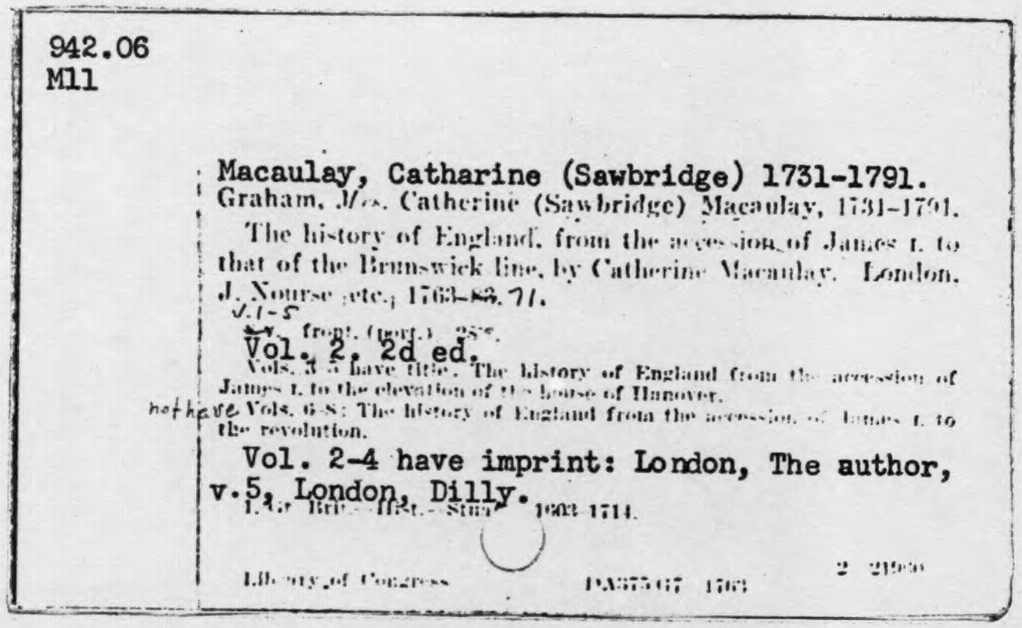
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THE

HISTORY

OF

ENGLAND.

THE

HISTORY

OF

ENGLAND

FROM THE

ACCESSION of JAMES I.

TO THAT OF THE

BRUNSWICK LINE.

VOL. I.

By CATHERINE MACAULAY.

LONDON:

Printed for J. Nourse, Bookſeller to his Majeſty, in the Strand;
R. and J. Dodsley, in Pall-mall; and W. Johnston, in Ludgate-ſtreet.

MDCCLXIII.

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INTRODUCTION.

THOUGH the rectitude of my intention has hitherto been, and, I truſt in God! ever will be, my ſupport, in the laborious taſk of delineating the political hiſtory of this country, yet I think it incumbent on me to give the public my reaſons for undertaking a ſubject which has been already treated of by ſeveral ingenious and learned men. From my early youth I have read with delight thoſe hiſtories that exhibit Liberty in its moſt exalted ſtate, the annals of the Roman and the Greek republics. Studies like theſe excite that natural love of freedom which lies latent in the breaſt of every rational being, till it is nipped by the froſt of prejudice, or blaſted by the influence of vice.

THE effect which almoſt conſtantly attends ſuch reading operated on my inclinations in the ſtrongeſt manner, and Liberty became the object of a ſecondary worſhip in my delighted imagination. A mind thus diſpoſed can never ſee through the medium held up by party-writers; or incline to that extreme of candour which, by colouring the enormous vices, and magnifying

magnifying the petty virtues, of wicked men, confound together in one undiſtinguiſhed groupe, the exalted patriots that have illuſtriouſly figured in this country, with thoſe time-ſerving placemen who have ſacrificed the moſt eſſential intereſts of the public to the baſeneſs of their private affections.

The ſocieties of the modern ages of the world are not conſtituted with powers to bring to an impartial tribunal men truſted in the higher offices of the ſtate. Fame is the only reward which, in the preſent times, true virtue hath to hope; and the only puniſhment which the guilty great have to apprehend, is eternal infamy. The weight of puniſhment ought ever to be determined by the importance of the conſequences which attend the crime: In this ballance the vices of men in public characters can admit of no alleviation. A good citizen is a credit to his country, and merits the approbation of every virtuous man. Patriots who have ſacrificed their tender affections, their properties, their lives, to the intereſt of ſociety, deſerve a tribute of praiſe unmixed with any alloy. With regret do I accuſe my country of inattention to the moſt exalted of their benefactors: Whilſt they enjoy privileges unpoſſeſſed by other nations, they have loſt a juſt ſenſe of the merit of the men by whoſe virtues theſe privileges were attained; men that, with the hazard and even the loſs of their lives, attacked the

formidable pretenſions of the Stewart family, and ſet up the banners of liberty againſt a tyranny which had been eſtabliſhed for a ſeries of more than one hundred and fifty years; and this by the exertion of faculties, which, if compared with the barren produce of modern times, appear more than human. Neglect is not the only crime committed againſt theſe ſacred characters. Party prejudice, and the more deteſtable principle of private intereſt, have painted the memoirs of paſt times in ſo falſe a light, that it is with difficulty we can trace features, which, if juſtly deſcribed, would exalt the worthies of this country beyond the fame of any ſet of men, which the annals of other nations can at any one period produce.

To do juſtice therefore to the memory of our illuſtrious anceſtors to the utmoſt extent of my ſmall abilities, ſtill having an eye to public liberty, the ſtandard by which I have endeavoured to meaſure the virtue of thoſe characters that are treated of in this hiſtory, is the principal motive that induced me to undertake this intricate part of the Engliſh hiſtory. If the execution is deficient, the intention muſt be allowed to be meritorious; and if the goodneſs of my head may juſtly be queſtioned, my heart will ſtand the teſt of the moſt critical examination. In this country, where luxury has made a great progreſs, it is not to be ſuppoſed that the people of fortune will fathom the depth of politics,

or examine the voluminous collections in which can only be found a faithful repreſentation of the important tranſactions of paſt ages. It is the buſineſs of an hiſtorian to digeſt theſe, and to give a true and accurate ſenſe of them to the public. I have ever looked upon a ſuppoſed knowledge of facts ſeen in the falſe mirror of miſrepreſentation as one of the great banes of this country. Individuals may err, but the public judgment is infallible. They only want a juſt information of facts to make a proper comment. Labour, to attain truth, integrity to ſet it in its full light, are indiſpenſible duties in an hiſtorian. I can affirm that I am not wanting in thoſe duties. The invidious cenſures which may enſue from ſtriking into a path of literature rarely trodden by my ſex, will not permit a ſelfiſh conſideration to keep me mute in the cauſe of liberty and virtue, whilſt the doctrine of ſlavery finds ſo many intereſted writers to defend it by fraud and ſophiſtry, in oppoſition to the common reaſon of mankind and the experience of every age. Abſurd as are the principles and notions, on which the doctrine of arbitrary power is eſtabliſhed, there have been ever in this country found many to adopt it. The vulgar are at all times liable to be deceived, and this nation has ever produced a number of bad citizens, who, prone to be corrupted, have been the ready tools of wicked miniſters and the zealous partizans, in a cauſe big with the ruin of the ſtate, and the deſtruction of that felicity which the individuals

dividuals of this country have for ſome years enjoyed. It is juſtly remarked by an able writer, "That there may be a faction for the crown as well as againſt it, and conſpiracies againſt freedom as well as againſt prerogative." Whoſoever attempts to remove the limitations neceſſary to render monarchy conſiſtent with liberty, are rebels in the worſt ſenſe; rebels to the laws of their country, the law of nature, the law of reaſon, and the law of God. Can there be ſuch men? was I to put the queſtion to my own heart, it would anſwer, that it was impoſſible there ſhould be ſuch. But the annals of this country have a ſhameful tale to tell, that ſuch a faction has ever exiſted in this ſtate, from the earlieſt period of our preſent conſtitution.

THIS faction has not only prevented the eſtabliſhing any regular ſyſtem to preſerve or improve our liberties; but lie at this time in wait for the firſt opportunity that the imperfections of this government may give them, to deſtroy thoſe rights, which have been purchaſed by the toil and blood of the moſt exalted individuals that ever adorned humanity. To ſhew the cauſes of ſo great a malignancy it will be neceſſary to obſerve, that there are in every ſociety a number of men to whom tyranny is in ſome meaſure profitable; men devoid of every virtue and qualification requiſite to riſe in a free ſtate. The emoluments and favours they gain for ſupporting tyranny, are the only means by which they can obtain

diſtinctions, which in every equal government are the rewards of public ſervice. The ſelfiſh affections of theſe men, exalted above worthier citizens, fancy a recompenſe in this exaltation ample enough for the ſacrifice of their liberty. To avoid the cenſures of injured poſterity, their children are brought up in the doctrine of a neceſſary ſervitude, and are taught to regard the champions of liberty as the diſturbers of the peace of mankind. Hence is produced a numerous claſs of men, who having been educated in the principles of ſlavery, become the deluded inſtruments of all the villainous purpoſes of mean ambition.

Some there are, who envying the reputation which illuſtrious characters have acquired, bend their endeavours to deſtroy the genuine notions of virtue and public utility, on which the fame of great men is built. Others, whoſe affections are of ſo baſe an alloy, that they envy the independency which every individual of this country may enjoy, and would willingly forfeit that natural privilege to ſuperior tyrants, provided they might have the power of domineering over the lower claſs of people. Others again, who having drudged through what is called a regular education, with much learning or rather reading, but without judgment to have acquired any real knowledge, become a magazine of other men's conceits, and commence the diſciples of the firſt doctrine which accident flings in their way. Theſe

Theſe ſcholars, in the purſuit of ſcience, loſe the diſtinctions of common ſenſe, and are as obſtinately fixed in the prejudices of the authors with whom they have converſed, as if theſe prejudices were the produce of their own imaginations. Hence proceed thoſe oppoſite opinions among the ſpeculative part of mankind in regard to popular and monarchical privileges. All men can acquire the jargon of terms, but the depth of ſcience is only to be attained by genius. The greater proportion of ignorance there may be in a diſputant, the more reluctant he is to give way to reaſoning that contradicts the borrowed opinions which he has taken in the groſs; he looks with a ſovereign contempt on his antagoniſt, not becauſe he can confute his arguments, but becauſe his arguments contradict the tenets that have been laid down by Hobbs, and other writers of that ſtamp. Unequal to the combat, he ſkirmiſhes at a diſtance, wilfully converſes in generals, and never enters into thoſe particulars which may inveſtigate the ſubject. Men like theſe, without the deſire of attaining truth, wrangle but for victory; and if they have ſenſe enough to ſee their miſtakes, they never have candor enough to acknowledge them.

The general education of the Engliſh youth is not adapted to cheriſh thoſe generous ſentiments of independency, which is the only characteriſtic of a real gentleman. The buſineſs of the public ſchools is nothing more

more than to teach the rudiments of grammar, and a certain degree of perfection in the Latin and Greek tongues. Whilſt the languages of theſe once illuſtrious nations are the objects of attention, the divine precepts which they taught and practiſed are totally neglected. From the circle of theſe barren ſtudies, the ſchool-boy is tranſplanted into the univerſity. Here he is ſuppoſed to be initiated in every branch of knowledge which diſtinguiſhes the man of education from the ignorant herd; but here, as I am told and have great reaſon to believe, are taught doctrines little calculated to form patriots to ſupport and defend the privileges of the ſubject in this limited monarchy. "In theſe ſeats of education, ſays an ingenious author, inſtead of being formed to love their country and conſtitution, the laws and liberties of it, they are rather diſpoſed to love arbitrary government, and to become ſlaves to abſolute monarchy. A change of intereſt, provocation, or ſome other conſideration, may ſet them right as to the public; but they have no inward principle of love to their country and of public liberty; ſo that they are eaſily brought to like ſlavery, if they may be made the tools for managing it." The ſtudy of hiſtory is little cultivated in theſe ſeminaries, and not at all thoſe fundamental principles of the Engliſh conſtitution on which our anceſtors founded a ſyſtem of government, in which the liberty of the ſubject is as abſolutely inſtituted as the dignity of the ſovereign.*

* I take this opportunity of mentioning the late excellent inſtitution in

Yet the knowledge of theſe fundamental principles are as neceſſary to underſtand this ſyſtem of government, as the knowledge of them was neceſſary to conſtruct it.

THE form of the conſtitution may be preſerved, when the ſpirit of it is loſt; and nothing is more likely to happen, whilſt thoſe perſons who are conſtituted to maintain it, are ignorant of thoſe fundamental principles, on which the barriers, that defend civil liberty from prerogative, are founded. Prejudiced with a love of ſlavery, or at leaſt ignorant of the advantages of liberty, the laſt part of the education of the men of fortune in this country, is what is called the tour of Europe, that is a reſidence for two or three years in the countries of France and Italy. This is the finiſhing ſtroke that renders them uſeleſs to all the good purpoſes of preſerving the birth-right of an Engliſhman. Without being able to diſtinguiſh the different natures of different governments, their advantages, their diſadvantages; without being able to comprehend how infinitely they affect the intereſt and happineſs of individuals, they grow charmed with every thing that is foreign, are caught with the gaudy tinſel of a ſuperb

in the univerſity of Oxford; of a profeſſion of the common law of England; which, if carried on with the ſame ability and ſpirit that Dr. Blackſtone has begun it, muſt be productive of the greateſt public utility.

court,

court, the frolic levity of unreflecting ſlaves, and thus deceived by appearances, are rivetted in a taſte for ſervitude.

These are the cauſes which occaſion the irrational inclinations of many of the Engliſh people in regard to government: and would to God that theſe, tho' very important in themſelves, were the only ones that liberty had to fear. In forming this government a latent evil crept into the vitals of the ſtate, and hath in the courſe of time poiſoned every part of the conſtitution. Corruption, that undermining miſchief, hath ſapped the foundation of a fabric, whoſe building was cemented with the blood of our beſt citizens. The growing evil hath ſpread far and wide, tainted the minds of men with ſuch an incurable degeneracy, that the virtue of our forefathers is become the ridicule of every modern politician.

It is become an eſtabliſhed maxim, that corruption is a neceſſary engine of government. There are ſome amongſt us who have not been aſhamed to ſay, that it is proper for the other parts of the legiſlature to depend on the monarch by corruption. How oppoſite this is to the genius and ſpirit of our conſtitution, is too apparent to need a proof. That the conſequences of it are already ſeverely felt in this country, our debts and heavy taxes fatally demonſtrate. How deſtructive it is to

every virtue that preſerves ſociety, or dignifies human nature, is as apparent. This is a ſad but certain truth, that corruption is ſo general amongſt us that it has diſſolved the ſacred bonds of mutual truſt. By the influence of bribery, every man in theſe days has a triple temptation to ſin againſt his country: The emoluments of favour; the fear of being laughed at for his honeſty; of being abandoned by his aſſociates, and left ſingle to ſtand the inſults of a victorious faction.

If I have digreſſed from the ſubject I ſet out with, which was to inform the public of my intention in writing this hiſtory, they will, I hope, excuſe a warmth which national evils have excited in a breaſt zealous in the cauſe of Liberty, and attached with a fervent devotion to the civil rights of my country. There remains nothing now but to aſſure my readers that I ſhall finiſh this morſel of hiſtory, to the acceſſion of the Brunſwick Line, with the ſame indefatigable induſtry that I have executed this ſmall part of it: and having nothing ſo much in view as the inveſtigation of truth, ſhall purſue it with an integrity that, I think, cannot juſtly be called in queſtion by the moſt invidious inquiſitors.

THE inaccuracies of ſtile which may be found in this compoſition, will, I hope, find favour from the candour of the public; and the defects of a female hiſtorian, in theſe points, not weighed in the ballance of ſevere criticiſm.

A D-

ADDRESS to LIBERTY.

OH, firſt and moſt benevolent of powers!
Come from eternal ſplendors; here on earth,
Againſt deſpotic pride, and rage, and luſt,
To ſhield mankind; to raiſe them to aſſert
The native rights and honour of their race.
Teach me, thy loweſt ſubject, but in zeal
Yielding to none, the PROGRESS OF THY REIGN;
And with a ſtrain from thee enrich the Muſe:
As THEE alone ſhe ſerves, her patron THOU,
And great inſpirer be! Then will ſhe joy,
Tho' narrow life her lot, and private ſhade.
And when her venal voice ſhe barters vile,
Or to thy open or thy ſecret foes,
May ne'er thoſe ſacred raptures touch her more,
By ſlaviſh hearts unfelt! and may her WORK
Sink in oblivion with the nameleſs crew,
Vermin of ſtate! to thy o'erflowing light
That owe their being, yet betray thy cauſe.

THOMSON.

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THOMSON.

ERRATA.

Note, page 17, line 13, read *to confer on any matter of that nature*—text, p. 18, l. 3, read, inſtead of *public utility, the good of the public*—note, p. 45, l. 6, read *occaſion to call all to new queſtion*—note, p. 74, l. 3, read *apoſtaſia*—note, p. 74, l. 10, for *repentyr* read *reſentyr*—note, p. 74, l. 12, for *faire* read *faira*—note, p. 74, l. 13, for *fera* read *fera*—p. 76, l. 21, read *Seymour*—note, p. 85, l. 2, read *giveth uſe, but no propriety*, meaning *property*—note, p. 95, l. 20, read *p.* 346—note, p. 96, l. 6, read *card-holder*—p. 97, l. 5, for *Abott* read *Abbot*—note, p. 120, l. 6, dele *of*—note, p. 120, l. 14, for *deſign* read *deſire*—note, p. 120, l. 31, read 290 for 240—note, p. 122, l. 9, read *from Mr. John Hales to Sir Dudley Carleton*—p. 157, the ſentence beginning, *By James's manner, &c.* ought to be a note—p. 157, l. 27, read *was to obtain a ſupply for his neceſſities*—text, p. 229, l. 20, read *the prince*—note, p. 250, l. 22, read *ſcire facias*—text, p. 259, line 22, read *he obtained*—p. 308, quotation from Ruſhworth, p. 207—p. 329, l. 28, read *oppreſſion* for *oppoſition*—note, p. 365, l. 5, read *p.* 9.

THE HISTORY OF ENGLAND.

CHAP. I.

Acceſſion of James.——Treaty with France.——Conſpiracy againſt the King.——Conference at Hampton-Court.——A Parliament.——Treaty of peace with Spain.

ON the deceaſe of Elizabeth, James VI. of Scotland ſucceeded to the throne of England. By the connection of the family of the Stewarts with the Tudors, through Margaret the daughter of Henry VII. he claimed ſuperiority of title; but to the nomination of Elizabeth he owed his peaceable aſcent to the throne. This princeſs, by a long reign and many favourable concurring circumſtances, had gained an entire aſcendency over the hearts and opinions of her ſubjects, notwithſtanding that, during the courſe of her government, ſhe had exerted very arbitrary principles of ſovereignty; to which ſhe was enabled by the yet cheriſhed opinion of royal prerogative, and the continuation of the ſame religious factions which had ſupported a like exertion in the reign of her father Henry VIII. and her ſiſter Mary. Ann. 1603.

Ann. 1603. ELIZABETH died on March 24, 1603, after a prosperous reign of forty-four years. Her good fortune is in nothing more conspicuous, than in the unmerited fame it has to this day preserved to her. The vices of this princess were such as could not exist with a good heart, nor her weaknesses with a good head: but to the unaccountable caprice of party-zeal she owes the reputation of qualities that would do honour to a masculine mind.

James proclaimed. SIX hours after her decease, James her successor was proclaimed. Great was the impatience of the people to behold their new sovereign; no less impatient was their sovereign to take possession of his new dignity. His immediate journey from Edinburgh to London followed the joyful news of his accession *. The concourse of people which idleness, curiosity, and interest, had brought together, was so offensive to him during his progress, that he issued out a proclamation forbidding such a tumultuous resort. His ignorance of the laws of England, and the high idea he had conceived of his present power by the arbitrary proceedings of his predecessors, made him, upon his arrival at Newark, guilty of the absurd violence of hanging a thief without form or trial †. His severity was soon after exercised on Valentine Thomas,

Stow's Annals, 1631. p. 821.

* The following is a curious passage in a letter which James wrote from Edinburgh to the lord-mayor, aldermen, and common-council of London, on hearing that he had been proclaimed king. "Do all whatsoever things you shall find necessary or expedient for the good government of the said city in execution of justice, as you have been used to do in our dearest sister's time, till our pleasure be known unto you to the contrary." *MSS. in Br. Museum*, fol. 7021. no. 23.

† The manner in which he was addressed by his new subjects did not a little contribute to give him romantic notions of his present fortune.

of whom he had complained to Elizabeth that he had calumniated his conduct. This unfortunate man was in prison on this account, at the time of James's accession; who immediately brought him to a trial, and obtained his condemnation on the pretence of a conspiracy against Elizabeth and some of her council. Ann. 1603. Stow, p. 825.

THE first national transaction in which he engaged, was a treaty with France, extorted from him by the importunity of Rosny ‡, whom Henry IV. had sent into England for that purpose. The articles contained a defensive league between France and England, and offensive, if the Spaniards, who were the then dreaded power in Europe, should attempt the Netherlands. This success of Rosny was extraordinary, because James had an aversion to the Dutch for their principles of freedom. His chief counsellor at this time was Cecil, created by him successively lord Essindon, viscount Cranbourn, and earl of Salisbury §. The present favour of this minister surprised every body; he was naturally odious to James on account of his father's enmity to Mary, and his own opposition to his partizan the earl of Essex: but this cun- Treaty with France.

tune. The letter which the council wrote to him to notify their having proclaimed him king, begins with these words: "Right high, right excellent, and mighty prince, and our dread sovereign lord."

‡ Afterwards Duc de Sully. It appears from Sully's Memoirs that both the kings of France and Spain distributed large sums among James's ministers and courtiers, to bribe them to their respective interests.

§ James was so lavish of his favours, that in the course of this year he created fourteen peers; and from April 6 to May 20, he had made two hundred and thirty-seven knights. The earl of Southampton and the young earl of Essex were restored to their titles.

Ann. 1603. ning courtier had ingratiated himſelf by a ſecret commerce during the latter years of Elizabeth's life. Not ſo was the fate of Sir Walter Raleigh, a leader in all the intrigues in which Cecil had been engaged, excepting the laſt.

Conſpiracy. AMONG the many diſcontented courtiers which a change of royal favour had occaſioned, Raleigh and the lords Grey and Cobham were the moſt turbulent. Their indiſcretion ran ſo high as to affect their lives and fortunes. A kind of conſpiracy * with Aremberg the Flemiſh ambaſſador was charged againſt them and three other commoners, viz. Sir Griffith Markham, Anthony Copley, and George Brook, brother to the lord Cobham. The grounds of their accuſation were ſome bold imprudent words ſpoken in the height of reſentment. The iſſue of it was the condemnation of all the accuſed; though Sir Walter Raleigh could not be brought in guilty without the violation of a very eſſential law in the conſtitution, there being no other evidence than a written one † to appear againſt him. To all but Brook the ſentence of death was mitigated to impriſonment *.

* The purport of the conſpiracy was to ſet Arabella Stewart, the king's couſin-german, upon the throne.

† This was the lord Cobham's. This nobleman had been betrayed into an accuſation of Raleigh; but, on a fit of ſickneſs, he wrote the following letter to him: "Seeing myſelf ſo near my end, for the diſcharge of my conſcience, and freeing myſelf from your blood, which elſe will cry vengeance againſt me, I proteſt upon my ſalvation I never practiſed with Spain by your procurement. God ſo comfort me in this my affliction, as you are a true ſubject for any thing I know. I will ſay as Pilate, *Purus ſum a ſanguine hujus*. So God have mercy on my ſoul as I know no treaſon by you."——This letter was produced in court by Raleigh: but his enemies brought a written evidence, contradictory to the ſenſe of this letter, ſigned by the lord Cobham. Raleigh deſired his accuſer might be brought face to face; this was denied, his defence over-ruled, and the jury, after a quarter of an hour's conſultation, brought him in guilty. Cobham afterwards declared, that his name to that letter on which Raleigh was condemned, was fraudulently obtained. *State Trials*, vol. I. p. 183. *Sir Anthony Welden's Court of King James*, 1651. p. 36. *Guthrie*, vol. III. p. 629.

THE plague at this time raged with ſuch unſparing violence, as to carry off thirty thouſand of the inhabitants of London † only. To the Roman Catholics was ſuperadded another mortification. The bigotry of Mary, the mother of James, to their faith, had filled them with a flattering aſſurance of favour from her ſon; but the denial of a toleration, which they ſtrenuouſly ſolicited, convinced them that their hopes were vain. Stow, p. 875.

OF all the qualities which marked the character of James, there was none more contemptible than a pedantic diſpoſition, which he had attained from a narrow, though laborious, education. Some ſchool-learning he had, the fruits of that unwearied application which is often united to mean parts; of that learning he was ridiculouſly vain. His vanity was much heightened by the flattery he had met with from the minions of his Engliſh court. He was eager for an opportunity of diſ-

* The lord Cobham, the lord Grey, and Sir Griffith Markham, were brought to the block, before the warrant of reprieve was produced. They all three lived and died in great penury. Two prieſts, Watſon and Clerk, were convicted of being accomplices in this conſpiracy, and executed.

† This city is ſaid to have contained but one hundred and fifty thouſand inhabitants at this time.

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Ann. 1604. playing it to the whole nation. The opportunity was afforded him by a petition from the *Puritans for a reformation of fundry articles of the eſtabliſhed church. James gave them hopes of an impartial debate, though he mortally hated all the reformers for the reſtraints they had laid upon him in his Scotch government; reſtraints which were altogether incompatible with that fond idea he had entertained of monarchical power. In this debate James was to preſide as judge; and an aſſembly of churchmen and miniſters met at Hampton-Court for this purpoſe. From judge he turned principal diſputant, ſilencing all oppoſition by his authority and loquacity. The iſſue of the conference was an injunction to the miniſters to conform. James cloſed his many arguments with theſe powerful ones: "That preſbytery agreed as well with monarchy as God with the devil; that he would not have Tom and Dick and Will meet to cenſure him and his council;" a demonſtration ſtrong of the impartiality he had promiſed. The miniſters were obliged to acquieſce, without other conviction than that they were miſtaken in the hopes they had formed from his education. Great was the exultation and adulation of the churchmen and courtiers on this occaſion. Chancellor Egerton cried out, "He had often heard that the royalty and prieſthood were united, but never ſaw it verified till now." Archbiſhop Whitgift carried his flattery ſtill farther; "He verily believed the king ſpoke by the ſpirit of God †."

Conference at Hampton-Court.

* This petition was ſigned by ſeven hundred and fifty clergymen. *Hume.*

† James began the conference by exclaiming againſt the Scotch church. "Bleſſed be God's gracious goodneſs, ſaid he, who hath brought me into the promiſed land; where religion is purely profeſſed; where I ſit amongſt grave,

Two proclamations followed this deciſion; one commanding all jeſuits and prieſts that had orders from any foreign power to depart the kingdom †; the other enjoining the Puritans to conform to the eſtabliſhed church. In the ſpirit of the one, James plainly ſhewed that his ſole objection to the popiſh tenets was their not allowing his ſupremacy: he intimated in it that he would have a regard for the tender conſciences of thoſe that could not comply with the church. That againſt the Puritans baniſhed all hopes of a like indulgence ‡.

Ann. 1604.

grave, reverend, and learned men; not as before elſewhere, a king without ſtate, without honour, without order, where beardleſs boys would brave us to our face." There were no ſmall reaſons for James's zeal for the Engliſh hierarchy. Many of the prelates complimented him with unlimited power; while the diſſenters hampered him with the doctrines of law and conſcience. After he had anſwered the objections urged by the preſbyterian miniſters with the ſame logic as may be found in the ſpecimens already mentioned, he added, "If this be all your party hath to ſay, I will make them conform themſelves, or elſe I will *harrie* them out of the land, or elſe do worſe, only hang them, that's all."

† At the end of this proclamation is a hint towards a political uniformity in matters of religion between all Chriſtian monarchs. To this ſcheme, which James had early planned, may be imputed many of thoſe abſurdities which frequently occur in his conduct.

‡ The Puritans about this time ſuffered ſo ſevere a perſecution, that they were driven to offer a petition for relief to the king whilſt he was taking the diverſion of hunting. James was ſomething ſtartled at this unexpected intruſion, and very graciouſly directed them to depute ten of their members to declare their grievances to the council. Theſe deputies no ſooner made their appearance before the council, than they were ſent to jail; and Sir Francis Haſtings, Sir Edward Montague, and Sir Valentine Knightly, under whoſe protection they had thus acted, were turned out of the lieutenantcy of the county and the commiſſion of the peace. *Winwood's Memorials*, 1725. vol: II. p. 36. 48.

Ann. 1604. JAMES now tasted of all the enjoyments he most affected; surrounded with flatterers, he snuffed up continually the incense of his own praise*. With the reputation of business he indulged his passion for idleness. He affected to decide, by his judgment, all affairs both civil and religious; yet devoted his whole time to amusement. His days were spent in hunting or idle composition; his evenings in all the variety of entertainments which the ingenuity of the queen his wife could procure him. Of the Scotch gentry, those that followed the court, or were attached to the hierarchy, imitated much the levity and freedom of French manners: on the contrary, those who were attached to puritanism affected severity and reserve. The present fortune and favour of James gave many of the first an opportunity of indulging their taste in a more expensive manner than the narrowness of their former circumstances would admit†. This humour coincided exactly with that of their prince.

AMONG the number of proclamations that were continually issued from royal authority, there was one which ordained an annual festival in remembrance of the king's deliverance from the famous Gowry conspiracy. This

* He was extolled as the Solomon of the age, and was the first king of England flattered with the absurd title of Sacred Majesty.

† The first disgust which James gave his English subjects, was the profusion of favours that he bestowed on his Scotch followers. The duke of Lenox, the earl of Mar, the lord Hume, lord Kinloss, Sir George Hume, and secretary Elphingston, were added to the privy-council. Sir George Hume was created earl of Dunbar; Hay was created viscount Doncaster, then earl of Carlisle; and Ramsay was created earl of Holderness.

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was a compliment which the Scotch presbytery had denied him, under the mortifying pretence of not confiding enough in his veracity to be certain of its reality. Ann. 1604.

THE time for the expected meeting of the parliament now approached. A proclamation which came out with the writs was remarkable for the fairness of its aspect, and the perniciousness of its tendency: prohibitions which interfered with the subjects right of electing, were veiled with an appearance of candor which shaded their consequences from the eyes of the ignorant. Proclamation.

ON the nineteenth of March, the great council of the nation met. James was determined to shine in the double capacity of king and orator, and addressed the assembly in a copious harangue. After having thrown out many hints concerning the sufficient right he had attained from his title; he expressed his satisfaction for the cordial reception he had received from his subjects, on his first entry into his new kingdom. "Shall I ever, said he, nay, can I ever be able, or rather so unable, in memory, as to forget your unexpected readiness and alacrity, your ever memorable resolution, and your most wonderfull conjunction and harmony of your hearts, in declaring and embracing me as your undoubted and lawfull king and governour? or shall it ever be blotted out of my mind, how at my first entry into this kingdom, the people of all sorts rid and ran, nay rather flew to meet me: their eyes flaming nothing but sparkles of affection; their mouths and tongues uttering nothing but sounds of joy; their hands, feet, and all the rest of Parliament. Journals of the commons, vol. I. p. 142.

Ann. 1604. their members, in their geſtures diſcovering a paſſionate longing and earneſtneſs to meet and embrace their new ſovereign." He then expatiated on the manifold bleſſings England had received in his perſon, which would make their meaſure of happineſs full, if the two nations were united in one kingdom. "He was the huſband, he ſaid, and the whole iſland his lawful wife; and he hoped no one was ſo unreaſonable as to think that a Chriſtian king under the Goſpel ſhould be a polygamiſt, and huſband two wives." He opened to them his opinion and intentional conduct towards the Papiſts and Diſſenters. "He acknowledged the Roman Catholic to be the mother church, tho defiled with ſome impuritys. He did not wiſh the doun throwing of the temple, but that it might be purged and cleanſed from corruption; he had not, like Rehoboam, increaſed their burdens, but lightened them, as much as time, occaſion, or law, could permit; and was even then conſidering how ſome overtures might be propoſed to the preſent parliament, to lighten the burden of laws againſt them. He would be content, for his part, to meet them half way, ſo that all novelties might be renounced on both ſides. As to the ſects of Puritans and Novelliſts, being impatient of ſuperiority, they were unſufferable in any well-governed commonwealth; his courſe towards them he remitted to his proclamation made on that ſubject."

THIS ſpeech, which was tedioufly prolix, did not gain the applauſe, nor produce the ſatisfaction which James expected; or rather it diſſatisfied every-body. The Roman-catholics were not content with his diſtinctions, though he had hinted that his only objection to their faith

faith was the ſingle tenet of allegiance to the Pope. The Puritans, a then numerous ſect in England, were exaſperated at his branding them as a peſtilent ſet of people deſtructive to the common-weal. The Proteſtants in general diſliked his favourable declarations to the Papiſts, and the whole nation was offended at the hints he threw out towards an union with Scotland. Ann. 1604. Rapin. Smollett.

AFTER a recognition of the King's title, the firſt motion of the Commons was for the redreſs of grievances. The following ones, as the moſt notorious, were enumerated by Sir Robert Wroth: The wardſhips of men's children a burthen and ſervitude to the ſubjects of this kingdom: The general abuſe and grievance of purveyors and cart-takers: Particular and private patents, commonly called Monopolies *: Diſpenſations in penal ſtatutes: Tranſportations of ordnance †: Abuſes of the Exchequer. Journals of the Houſe of Commons, vol. I. p. 151.

IN a conference ‡ with the Lords on a project to petition the king for leave to take into conſideration a re-

* On the ſubject of monopolies, it was ordered by the lower houſe, "That thoſe which find juſt cauſe of grievance ſhould bring in their complaints in writing, to the end they might be underſtood and conſidered of by the committees; and a law framed thereupon according to the cauſe."

† This article, which brought to the crown an income of 3000 *l.* a year, had been often repreſented by the Commons, during the adminiſtration of Elizabeth, as a great grievance to the nation, by ſupplying their enemies the Spaniards with theſe tremendous arms on eaſy terms.

‡ In this conference was flung out an extraordinary argument for this time; "That a people may be without a king, a king cannot be without a people". *Journals of the Houſe of Commons*, vol. I. p. 156.

Ann. 1604. compence to be given in exchange for wardſhips §, the Lords heartily joined in the cauſe, and recommended to them to comprize in the petition, purveyorſhip, licence of alienation, reſpite of homage, and other burthens, which ſtretched prerogative had made intolerable.

THESE ſpirited exertions were rendered uſeleſs by an incident which diſturbed the concord now ſubſiſting between the two houſes. One of the prohibitions in the king's proclamation was, that no outlaw ſhould be returned. Sir Francis Goodwin was pronounced ſuch by the chancellor, his ſeat vacated, and Sir John Forteſcue, an old ſervant of the crown and favourite with the miniſtry, choſen in his room. The houſe reverſed the chancellor's decree, and reſtored Sir Francis Goodwin. The Lords, by the inſtigation of the king, who thought his authority affected, deſired a conference on the ſubject. The Commons peremptorily refuſed it, as the point in queſtion regarded their own privileges. This occaſioned expoſtulations between the king and the Commons. The king ſaid, "He was loath to alter his tune, and that he ſhould now change it into matter of grief by way of conteſtation. He did ſample it to the murmers of the children of Iſrael. He did not attribute the cauſe of his grief to any purpoſe in the houſe to offend him, but only to a miſtaking of the law. He had no purpoſe to impeach

Parliam. Hiſt. vol. V. p. 56.

§ The Commons appealed to the laws of nature and reaſon for the equitableneſs of their demand in reſpect to wardſhips. "It is but a reſtitution, ſaid they, of the original right of all men by the laws of God and nature; which is, that children ſhould be brought up by their parents and next of kin, and by them to be directed in their marriage."

Journals of the Commons, vol. I. p. 227.

peach their privileges; but ſince they derived all matters of privilege from him, and by his grant, he expected that they ſhould not be turned againſt him. That there were no precedents did ſuit this caſe fully: precedents in the times of minors, of tyrants, of women, of ſimple kings, not to be credited, becauſe for ſome private ends. That by the law, the houſe of Commons ought not to meddle with returns, being all made into the chancery, and to be corrected or reformed by that court alone."

Ann. 1604. Journals of the Commons, vol. I. p. 158.

THE debates of the Commons on this ſubject were ſpirited. It was ſaid by one member, That there was juſt fear of ſome great abuſe in the late election: that the king had been miſinformed: that he had too many miſinformers: that now the caſe of Sir John Forteſcue and Sir Francis Goodwin was become the caſe of the whole kingdom: that old lawyers forget, and commonly interpret the law according to the time: that by ſuch a courſe the free election of the country was taken away, and none would from henceforth be choſen but ſuch as ſhould pleaſe the king and council. "Let us therefore, adds he, with fortitude, underſtanding, and ſincerity, ſeek to maintain our privilege, which cannot be taken or conſtrued any contempt in us; but merely a maintenance of our common right; that right which our anceſtors have left us, and is juſt and fit for us to tranſmit to poſterity." "We ſhould taint outſelves with three great blemiſhes, ſaid another member, if we ſhould alter our judgment; levity, cruelty, and cowardice. No court can reform their own judgment. Every act that paſſeth this houſe is an act of parliament. Shall juſtice float up and down? ſhall he be a member to-day, and

Debates.

Ann. 1604. ſhall we tear him off to-morrow? Let Sir Francis Goodwin ſtand as he is. Duty and courage may ſtand together: let not the houſe be inveigled by ſuggeſtion; this may be called a *quo warranto* to ſeize all our liberties."

UPON the queſtion, the houſe reſolved to ſtand by their former judgment. James ſent them this peremptory meſſage, "That he commanded, as an abſolute king, a conference with the judges *." To this command, expreſſed thus violently and abſurdly, the Commons, tho' in contradiction
A conference. to their former votes, aſſented. The iſſue of the conference was favourable to liberty; for the king being preſent, by the deſire of the Commons, was ſo much gravelled at the many precedents brought againſt him, that he compromiſed the affair. Both of the members were ſet aſide, and the Commons obtained a firm eſtabliſhment of the eſſential privilege of judging of returns. The king ſaid, "He granted it royally as king James, ſweetly and kindly, out of his good nature." Notwithſtanding the conteſt ended thus favourably, many of the ſpirited members were offended at the conceſſion of giving up their elected. The committee ‡ who managed the affair was ſeverely reproached for exceeding their authority in giving a conſent without having firſt conſulted the houſe;

* The judges had given an opinion againſt the Commons.

† Sir Francis Bacon, one of the committee, gave the report of the conference in the following ſtrain: "The king ſaid he would be preſident himſelf. This attendance renewed the remembrance of the laſt, when we departed with ſuch admiration. It was the voice of God in man; the good ſpirit of God in the mouth of man. We might ſay as was ſaid to Solomon, We are glad, O king! that we give account to you, becauſe you diſcern what is ſpoken. How to report his majeſty's ſpeech he knew not; the eloquence of a king was inimitable."

Journals of the Houſe of Commons, vol. i. p. 168.

and

and a motion was made that it might be done by war- Ann. 1604.
rant, and therein inſerted, "by the requeſt of the king *."

THE next buſineſs, which took up the attention of the Propoſal of an union.
parliament, was a propoſal of an union between the two kingdoms. James was ſo hotly and impatiently ſet on this point, that he had already aſſumed the title of king of Great Britain; iſſued out a proclamation to make Scotch coin current in England; quartered St. Andrew's croſs with St. George's; and, to give a general idea of its peaceable advantages, the iron doors of the frontier Rapin.
towns were converted into plough-ſhares. The parliament took this ſcheme into conſideration, rather out of compliment and to humour the king, than with any deſign to bring it into execution. James drew up many projects with his own hand: he alternately complained of and cajoled the parliament †; but without farther

* The outlawry of Sir Francis Goodwin was brought in on purpoſe to ſerve Sir John Forteſcue, as appears by the following paſſage in a letter from Cecil to Mr. Winwood. "Sir Francis Goodwyn having laboured to be knight of Buckinghamſhire, to the excluſion of an ancient counſellor, Sir John Forteſcue, it was adviſed by the king's learned councill and judges, whether there were not ſome means by the laws to avoid it. Whereupon it being found that he was outlawed, and ſo certifyed by the ſheriff, conſequently a new writ was ſent forth, by virtue whereof Sir John Forteſcue was choſen." *Winwood's Memorials*, vol. II. p. 18, *& ſeq.* It is to be noted here, that in the diſquiſition of this affair, it appeared that Goodwin's outlawry was an irregular one; and that if it had been regular, it was pardoned by an act of grace.

† The following is a letter from the king to the parliament on the occaſion of the union. "Ye ſee with quhat cleerneſs and ſinceritie I have behaved myſelf in this earande, even throuch all the progreſſe thairof, thoch I

will

Ann. 1604. ſucceſs than to obtain an appointment of forty-four Engliſh to meet with thirty-one Scotch commiſſioners to de-

will not ſaye, too littel regairdit by you, but I maye juſtlie ſaye, not ſo uillinglie embraced by you, as the uorthineſs of the maitter doth uell deſerve. I proteſte to God, the fruits thairof uill chieflie tende to youre owen uell proſperitie and increaſe of ſtrenth and greatneſs: Nothing can ſtaye you from harkening unto it, but jalouſie and diſtruſte, ather of me the propounder, or of the maitter by me propounditt: If of me, then doe ye both me and yourſelfis an infinite uronge, my conſcience bearing me recorde, that I ever deſerved the contrarie at your handis; but if youre diſtruſte be of the maitter itſelf, then diſtruſte ye nothing but your owin uiſdomes or honeſties: For as I have gevin over urangling upon uordis with you, ſo crave I no concluſion to be taken at this tyme heirin, but only a comiſſion, that it maye be diſputed, conſidderid upon, and reported unto you; and then will ye be youre owin cookes, to dreſſe it as ye liſte: ſo that (as I have alreaddie ſaid) ſince the concluſion thairof can never be without youre owin aſſeintis; if ye be trew to youreſelfis, no man can deceave you in it, lett not youreſelfis thairfore be tranſported with the curioſitie of a few giddie headis; for it is in you nou to make the choice, ather by yielding to the providence of God, and embracing that quhiche he hath caſtin in youre mouthis, to procure the proſperitie and increaſe of greatnes to me and myne, you and youres; and by the awaye-taking of that partition-uall, quhiche allreaddie, by Godde's providence, in my bloode is rent aſunder, to eſtabliſhe my throne and youre boddie politike, in a perpetuall and flooriſhing peace; or ellis contemning Godde's benefites ſo freelie ofred unto us, to ſpitte and blaſpheme in his face, by praeferring uarre to peace, trouble to quyetnes, hatred to love, ueakneſs to greatnes, and diviſion to union; to ſowe the ſeidis of diſcorde to all our poſterities; to diſhonoure youre king; to make both me and you a proverbe of reproche in the mouthis of all ſtraingeris and all ennemies to this nation, and envyers of my greatnes; and oure next laboure to be, to take up new guariſons for the bordouris, and to make new fortifications thaire. *Sed meliora ſpero.* I hoape that God, in this choice and free uill of youris, uill not ſuffer you, withe olde Adame, to chooſe the worſte, and ſo to procure the defacing of this earthlie paradiſe; but by the contrarie, that he ſhall inſpyre you ſo, as, with the ſeconde

liberate concerning the terms. Their power was not extended to make any advances towards a final eſtabliſhment. The Commons were at this time warmly ſet on the redreſs of grievances; and, in all probability, for that price, would have indulged the king in his darling project. This matter had been from time to time revived in their committees, during the whole ſeſſion; and in a conference with the upper houſe there were certain ſums propoſed as conſiderations for wardſhips, reſpite of homage, licenſe of alienations, tenures *in capite*, &c. The gleam of public virtue which appeared in the lords for a ſhort time at the beginning of the ſeſſion, was now intirely vaniſhed. They not only diſſented from, but reproached, the Commons for their proceedings, and termed the propoſals, "propoſals to the king for ſelling his prerogative." Ann. 1604.

THIS ill ſucceſs did not deter them from proceeding with unabated diligence on the abuſes in eccleſiaſtical matters *. A petition was framed for redreſs, but dropt

conde Adame, ye ſhall produce peace; and ſo beutifie this oure earthlie kingdome heerwith, as it may repreſente, and be an arles pennie unto us, of that æternal peace in that ſpirituall kingdome, quhiche is prepared for the perpetuall reſidence of all his choſen children. *Vid. Journ. Houſe of Com.* vol. I. p. 193, *& ſeq.*

* Their acquieſcence to the royal command, for a conference with the judges in the caſe of returns, had encouraged James to ſignify to them, in a meſſage, a deſire that before they intermeddled with the reformation of matters of religion, they would confer with the members of the convocation-houſe. This meſſage produced a warm diſpute. It was urged that there was no precedent of any conference with a convocation. The concluſion was an offer to the king, that they would be ready to confer of any matter on that nature with the biſhops as lords of parliament. *Journals of Commons*, vol. I. p. 173.

Ann. 1604. by the prevailing influence of the court and hierarchy. As the Commons had been foiled in all their intentions for public utility, they were juſtly determined that it ſhould not be robbed to feed the avarice and luxury of courtiers. A demanded ſubſidy was ſo vehemently diſputed in the houſe, that the king ſent to deſire it might
7 July. be altogether laid aſide; and the end of the ſeſſion ſoon followed *.

* Acts paſſed this ſeſſions.

1. An act of recognition of the title to the crown.

2. An act authorizing certain commiſſioners of England to treat with commiſſioners of Scotland, for the weal of both kingdoms.

3. An act againſt the diminution of the poſſeſſions of archbiſhoprics and biſhoprics, and avoiding of dilapidations of the ſame.

4. An act for the due execution of the ſtatutes againſt jeſuits, ſeminary prieſts, recuſants.

5. An act to prevent the over-charge of the people by ſtewards of court leets and court barons.

6. An act for the explanation of the ſtatute concerning labourers.

7. An act for the continuance and explanation of an act for puniſhment of vagabonds, &c.

8. An act to take away the benefit of clergy for ſome kinds of manſlaughter.

9. An act to reſtrain the haunting of publick-houſes, inns, &c.

10. An act for the better execution of juſtice.

11. An act to reſtrain all perſons from marriage till their former wives and huſbands be dead.

12. An act againſt witchcraft, &c.

13. An act for new executions to be ſued againſt any which ſhall hereafter be delivered out of execution by privilege of parliament, &c.

14. An act for a remedy for a freeman of London to recover ſmall debts, &c.

15 An act for the better relief of creditors againſt ſuch as ſhall become bankrupts.

16. An act concerning wherrymen and watermen.

17. An act concerning the making of hats and felts.

18. An act concerning uſing or buying corrupted hops.

19. An

THE Commons had nobly aſſerted their privileges in ſeveral inſtances. The delivery of Sir Thomas Shirley, one of their members, who had been committed to the Fleet, was demanded and obtained; and the warden puniſhed for contempt of the houſe, in refuſing to releaſe his priſoner. In this caſe a vote had been carried by a Ann. 1604. Parliam. Hiſt.

19. An act for the well garbling of ſpices.

20. An act for redreſſing of abuſes uſed in painting.

21. An act againſt brokers.

22. An act concerning tanners, curriers, ſhoemakers, &c.

23. An act for the preſervation of the fiſhery in Somerſet, &c.

24. An act againſt the deceitful making mildernix and powle davies, &c.

25. An act for continuing ſome and repealing other ſtatutes.

26. An act for the continuance and obſervation of certain exchequer orders.

27. An act for the preſervation of game.

28. An act concerning the franchiſes of the borough of Berwick.

29. An act concerning eating fleſh in Lent.

30. An act concerning building a church in Melcombe Regis.

31. An act for relief of perſons infected with the plague.

32. An act for paying a certain ſum *per* ton by certain trading veſſels.

33. An act for a ſubſidy of tonnage and poundage. *Vid. Statutes at Large.*

34. An act for avoiding multiplicity of leaſes.

35. An act againſt ſcandalous and unworthy miniſters.

36. An act for diſburthening of clergymen of ſuch affairs as may hinder them in their divine callings.

37. An act for the better diſcovery and ſuppreſſing of ſimony, and other corrupt procuring of eccleſiaſtical dignities. *Vid. Parliam. Hiſt.* vol. V. p. 102.

The tonnage granted was three ſhillings on every ton of wine imported; but on ſweet wines ſix ſhillings. On every awm of Rheniſh one ſhilling. The poundage was one ſhilling in twenty on goods and merchandize imported or exported; on woollen manufactures, tin and pewter, two ſhillings in twenty.

Ann. 1604. majority of ſeventeen, for ſix of the members to be ſent by the houſe with the ſerjeant and mace to require the delivery; but they were deterred from the reſolution by a repreſentation of the ſpeaker, that the members who entered the priſon in that manner would be by law ſubject to an action. Sir Herbert Crofts, one of the members, coming up with others to hear the king's ſpeech, was inſulted by a yeoman of the guards, who ſhut the door againſt him, ſaying, "Goodman burgeſs, you come not here." The Commons reſented the inſult as an affront upon the whole houſe; and their anger was with difficulty appeaſed by the yeoman's aſking pardon for his fault, and receiving on his knees a reprimand from the ſpeaker.

AN act for the due execution of the ſtatutes againſt jeſuits, ſeminary prieſts, recuſants, &c. met with an abſurd oppoſition from a hot-headed member of the upper houſe, the lord viſcount Montague. He inveighed againſt the whole ſtate of the eſtabliſhed religion, and attempted to prove the antiquity of theirs, and the novelty of this. The Lords thought fit to commit him priſoner to the Fleet; in which place he remained till he had given ſatisfaction by confeſſing his fault.

COMPLAINT was brought into the houſe of Lords by the Commons againſt Thornborough, biſhop of Briſtol, for having wrote a book in favour of the Union. The Lords agreed that the biſhop ſhould make a public acknowledgment that he had committed an offence. The biſhop ſubmitting to this determination, the affair was thus accommodated.

BANCROFT

BANCROFT had ſucceeded Whitgift in his archbiſhopric. He was ſo zealous a perſecutor of the puritans, that many families were obliged to leave their country for foreign abodes; he endeavoured to perſuade the king to uſurp the power of redreſſing the grievances of the clergy without conſulting the parliament; but James was adviſed not to take this dangerous ſtep *. Ann. 1604.

A TREATY of peace was this ſummer concluded between Spain and England †. One of the articles was unfavourable to the Dutch, as, That James ſhould fix a day, before the expiration of which the ſtates ſhould make peace with the arch-duke; and, in caſe of refuſal, ſhould deem himſelf abſolved from former engagements ‡. All the terms of this peace were much diſ- Treaty of peace with Spain.

* He preſented twenty-five articles, commonly called *Articuli Cleri*, and petitioned the king to grant prohibitions upon them.

† James had recalled all the letters of marque that had been granted by Elizabeth, on his acceſſion. In his proclamation for this purpoſe he ſuppoſes that amity with all the princes in chriſtendom was attached to his perſon. "Although we have made it known by public edict that at our entrance into theſe our kingdoms of England and Ireland, we ſtood, as ſtill we do, in good amity and friendſhip with all the princes in chriſtendom, and therefore are carefully to provide, as much as in us lieth, that none of them or their ſubjects ſhould by any hoſtil action be endamaged in their perſons, territories, or goods, by any of our ſubjects, either by land or ſea, &c." *Rymer*, vol. XVI. Ridiculous as is this conceit, James in his firſt ſpeech to the parliament mentions this perſonal amity between him and foreign princes, as one of the bleſſings which England would enjoy by his acceſſion; when at the ſame time, his management in conſequence of this pretended advantage, deprived his people of the power to do themſelves juſtice on the ſubjects of Spain.

‡ In the beginning of the following year, the earl of Nottingham, the lord admiral, was ſent ambaſſador to Spain to ratify the treaty.

The

Ann. 1604. liked by the people *. The court diſplayed a ſumptuous

The embaſſy, like all others in this reign, was gaudy and pompous. Sixty noblemen and gentlemen of the firſt rank accompanied the ambaſſador, beſides the others, who with their attendants compoſed a train of ſix hundred and fifty perſons.

The ceremony of taking leave of the king is a ſtrong picture of the manners of this age of parade. James being at Greenwich, the ambaſſador with his retinue, all richly dreſſed, waited on him there. In the ambaſſador's train were ſix trumpeters, clad in orange-coloured damaſk; ſix footmen in orange tawny velvet, alike ſuited; ſix pages clad alſo in orange tawny velvet, with cloaks of the ſame colour; thirty with cloaks of black velvet; fourſcore yeomen apparelled with cloaths of orange cloth, garded with ſilver and blue ſilk lace. *Guthrie*, vol. III. p. 644. *Stow*, p. 859. Stone, the fool, was whipt at Bridewell for ſaying that there were ſixty fools gone to Spain, beſides the lord admiral and his two ſons.

Immediately after the concluſion of this peace, the town of Oſtend capitulated. It had been three years beſieged by the Spaniards.

* Sir Charles Cornwallis, the king's reſident in Spain, writes thus of it to ſecretary Cecil, 2d June, 1605.

"I find here by many arguments that this peace came opportunely for this kingdom; and is admired of all Europe, yea of this kingdom itſelf, how it was poſſible, with ſo advantageous conditions to them, and ſo little profitable to our realm, it could be effected. The duke of Anera diſcourſing with one of great privacy and truſt with him, after that he had heard that the peace was in ſuch form concluded, ſaid in plain terms, That the king and counſellors of England had not their ſenſes, when in ſuch ſort they agreed upon it; and ſome Spaniards have lately reported, that the king of Spain's money purchaſed this quiet, otherwiſe peace with ſo good conditions would never have been obtained.

"By thoſe collections that I have made, and relations of others well practiſed in this ſtate, I find that England never loſt ſuch an opportunity of winning honour and wealth unto it, as by relinquiſhing the war with Spain. The king and kingdom were reduced to ſuch eſtate, as they could not, in all likelihood, have endured the ſpace of two years more: His own treaſury was exhauſted; his rents and cuſtoms ſubſigned for the moſt part for the payment of the money borrowed;

appearance *, and the charms of finery infected the town, Ann. 1604. whilſt the pernicious luxury was ſanctified under the ſpecious pretence of cultivating the arts of peace, and extending the commerce of England.

CHAP. II.

Gun-powder plot.——Second and third ſeſſions of parliament.—— Puniſhment of the conſpirators.——Report of the king's death. ——Subſidies granted by parliament.

JAMES and his parliament had parted mutually diſſatisfied with each other. On one ſide, the parliament by the act of recognition had in a manner diſavowed his pretenſion of holding the crown of England ſolely by hereditary right. The Commons had made many attempts towards the redreſs of grievances; grievances

rowed; his nobility poor and much indebted; his merchants waſted; his people of the country in all extremity of neceſſity; his devices of gaining by the increaſe of the valuation of money, and other ſuch of that nature, all played over; his credit in borrowing, by means of the uncertainty of his eſtate during the war with England, much decayed; the ſubjects of his many diſtracted dominions held in obedience by force and fear, not by love and duty, and therefore rather a care and burthen than a relief and ſtrength to him; himſelf very young, and in that regard with this people in no great veneration, and the leſs for ſuffering himſelf to be wholly governed by a man generally hated by his own country; his ſtrength at ſea not able to ſecure his ports at home, much leſs his Indies, or his treaſury homewards." *Winwood's Memorials*, vol. II. p. 75 & ſeq.

* The entertainment for the conſtable of Spain coſt James upwards of 300 l. a day, and the duke of Holſtein, brother to the queen, had a large appointment.

which

Ann. 1604. which James looked on as very neceſſary parts of his prerogative. They had proceeded very ſlowly and coldly on his favourite plan of an union. They had, though in oppoſition to royal authority, vigorouſly exerted their privileges; and finally had ſhewn an intention to deny a demanded ſubſidy. On the other hand, James had diſplayed a ſtrong inclination to encroach on the moſt eſſential rights of the Commons; had puſhed on with great earneſtneſs the unpopular plan of the union; had declared an averſeneſs to comply with their reaſonable demands; had laviſhed out his coffers on his favourites and dependants; and by this early diſregard to oeconomy, had foreboded the neceſſities to which he would be often reduced; neceſſities which could not be ſupplied without oppreſſing the ſubject.

Gun-powder plot. AN incident very extraordinary in its nature, and from a very unexpected quarter, united by a ſenſe of common danger the diſpleaſed parties. The papiſts in general were much exaſperated at the diſappointment they had met with from the conduct of James. Some of the Spaniſh partizans laid great ſtreſs upon a pretended conveyance of the crown of Britain by Mary of Scots to the catholic king. All the diſcontented papiſts, who had been baniſhed England, were ſupported in the Netherlands by that monarch, and great ſums remitted into England for carrying on plots againſt the government.

THE intended execution of one that had been machinating near a year and half, was haſtened or rather fixed, from ſome ſeverities the ſect had ſuffered in conſequence of an act in their diſfavour, which had paſſed

the laſt ſeſſion of parliament. Determined on vengeance, Ann. 1605. ſome of the moſt enthuſiaſtic of the body conſpired under Garnet, the ſuperior of the jeſuits, who had been the manager of all their cabals, to deſtroy with one blow the moſt powerful of their enemies.

THE deſign was againſt the king and parliament; and the plan ſo far executed, that thirty-ſix barrels of gunpowder were, by means of the conſpirators, lodged in ſome vaults under the houſe of Lords, to be fired on the firſt day of their meeting, when the king was to harangue, and the queen and prince of Wales had propoſed to have been preſent. After the exploſion, the reſt of the royal family were to be ſeized by the conſpirators; and Elizabeth, James's youngeſt child, to be declared queen, under a protector of their own chuſing. The vaults had been hired by Piercy, a near relation of the earl of Northumberland, under the pretence of a lodgment for fuel; a great number of faggots covered the tremendous depoſit.

THE fifth of November, which was the day aſſigned for the meeting of parliament, drew nigh. Exalted were the hopes of the conſpirators; but a fatal aſſurance of ſucceſs, united to private affection, drew from one of the party an indiſcretion which happily defeated the well-concerted plan. On the twenty-ſixth of October, the Lord Monteagle, whoſe father had been a great ſufferer in the reign of Elizabeth for his affection to popery, received the following letter. "Out of the love I bear "to ſome of your friends, I have a care of your pre- "ſervation: therefore I would adviſe you, as you tender

Ann. 1605. " your life, to deviſe ſome excuſe to ſhift off your at-
" tendance at this parliament; for God and man have
" concurred to puniſh the wickedneſs of this time. And
" think not ſlightly of this advertiſement, but retire
" yourſelf into your country, where you may expect the
" event in ſafety; for though there be no appearance of
" any ſtir, yet I ſay they ſhall receive a terrible blow
" this parliament, and yet they ſhall not ſee who hurts
" them. This counſel is not to be contemned, becauſe
" it may do you good, and can do you no harm, for
" the danger is paſt ſo ſoon as you have burned the
" letter *; and I hope God will give you the grace to
" make good uſe of it, to whoſe holy protection I com-
" mend you."

MONTEAGLE carried this letter to Cecil, then earl of Saliſbury, who either did or pretended to think little of it; and the affair was dropped till the king, who had been ſome time at Royſton †, returned to town. On

* Rapin relates, that both James and his miniſter were puzzled at this ſentence, " For the danger is paſt as ſoon as you have burned the letter." Cecil ridiculed it as the incongruity of a fool or a madman; and James thought it referred to the quick execution of the blow. The obvious ſenſe of the words is, " That if the letter was burned, the receiver could not incur danger from the advice."

† While the king was at Royſton, he devoted himſelf ſo intirely to hunting, that he forbade his miniſters to diſturb his pleaſures with any buſineſs; ſaying, " His hunting was neceſſary to the ſtate; it was good for his health, and his health was neceſſary to the ſtate." Theſe huntings were great nuiſances; they are taken notice of as ſuch in a letter from Matthew Hutton, archbiſhop of York, to viſcount Cranbourn. " I could wiſh," writes this prelate, " that there was leſs waſting of the treaſure of the realm, and more moderation of the lawful exerciſe of hunting; both that the poor mens corn may be leſs ſpoiled,

re-canvaſſing the letter, the gun-powder was ſcented. Ann. 1605.
Moſt authors attribute this to the ſagacious timidity of James *. He was fond of the reputation of this diſcovery, and publicly aſſumed it.

THE night before the meeting of the parliament, officers were ſent to ſearch the vaults under the houſe of Lords: on removing the faggots the gun-powder was diſcovered. Guido Fawks †, who, under the guiſe of Piercy's ſervant, was found lurking about the place, was taken, and on ſight of the rack confeſſed the whole plot, with the names and quality of the conſpirators. On this arreſt, the criminals that remained in London fled into Warwickſhire, where their confederates were poſted to ſeize on the perſon of Elizabeth, ſo ſoon as they ſhould hear of the ſucceſs of the project. There they made a vigorous defence; but were all taken, except three, who were killed in the ſtruggle; *viz.* Cateſby, eſteemed to be the inventor of the plot, Thomas Piercy, and Robert Wright. Theſe following were convicted of treaſon, and executed: Sir Everard Digby, Guido Fawks, Robert and Thomas Winter, John Grant, Ambroſe Rook-

The plot diſcovered.

Conſpirators executed.

ſpoiled, and other his majeſty's ſubjects more ſpared. *Winwood's Memorials*, vol. II. p. 40.

* There are ſome authorities which ſay, that Cecil had before received intimation of the intended plot from France, and the manner in which it was to be executed. Cecil owns, in a letter to Cornwallis, that he had intimation of ſome plot in hand. He alſo mentions, that the whole affair was diſcovered before the letter was communicated to James. *Winwood's Memorials*, vol. II. p. 172.

† Guido Fawks was an officer in the Spaniſh ſervice. He was ſent for from Flanders by the conſpirators, as a man of tried reſolution and zeal for the cauſe.

Ann. 1605. wood, Robert Keys, Thomas Bates, Eſquires, and Garnet, the ſuperior of the jeſuits. Francis Treſham was convicted likewiſe, but died of a ſtrangury in priſon. Two catholic lords, Mordaunt and Sturton, were fined, one ten thouſand, and the other ſix thouſand pounds; their abſence from parliament having begot ſuſpicion. The earl of Northumberland * ſuffered the ſeverer penalty of thirty thouſand pounds, and was detained in priſon for ſeveral years, becauſe he had admitted Piercy into the number of gentlemen penſioners without having exacted the requiſite oaths. Theſe were the arbitrary ſentences of the ſtar-chamber. The Lord Monteagle was rewarded with an eſtate of 200 *l.* a-year, and a penſion of 500 *l.*

Parliament. THE parliament met on the 9th of November. James's ſpeech on the occaſion of the plot is perhaps as remarkable as the occaſion itſelf, the whole of it being, according to the genius of the orator, uncommonly prolix. I ſhall only give the moſt ſtriking paſſages.

"AND now I muſt crave a little pardon of you (that "ſince kings are, in the word of God itſelf, called Gods, "as being his vicegerents on earth, and ſo adorned "and furniſhed with ſome ſparkles of divinity) to com-"pare ſome of the works of God, the great king, to-"wards the whole and general world, to ſome of his "works towards me and this little world of my domi-"nions." He then draws a compariſon between the

* This nobleman had been ſo zealous a promoter of James's ſucceſſion to the throne of England, that he declared he would remove all impediments by the ſword. *Letters and Memoirs of Sir Fr. Bacon, by Stephens.*

de-

deſtruction of the world by water, the ſalvation of Noah, Ann. 1605.
the deſtruction of the world by fire, and the ſalvation of the faithful, with his own dangers and eſcapes in the Gowrie and gun-powder conſpiracies. He diſtinguiſhes the general ſorts of death which mankind may ſuffer. "For by three different ſorts in general may mankind "be put to death. The firſt, by other men and rea-"ſonable creatures, which is leaſt cruel; for then both "defence of men againſt men may be expected, and "likewiſe who knows what pity God may ſtir up in "the hearts of the actors at the very inſtant, beſides "the many ways and means whereby men may eſcape "in ſuch a preſent fury. And the ſecond way, more "cruel than that, is by animal and unreaſonable crea-"tures; for as they have leſs pity than men, ſo it is a "greater horror, and more unnatural for men to deal "with them; but yet with them both reſiſtance may "avail, and alſo ſome pity may be had, as was in the "lions, in whoſe den Daniel was thrown, or that thank-"ful lion that had the Roman ſlave in his mercy. But "the third, the moſt cruel and unmerciful of all, is "the deſtruction by inſenſible and inanimate things; "and amongſt them all the moſt cruel are the two "elements of water and fire, and of thoſe two the fire "is the moſt mercileſs. When the letter was ſhewed to "me by my ſecretary, wherein a general obſcure ad-"vertiſement was given of ſome dangerous blow at this "time, I did upon the inſtant interpret and apprehend "ſome dark phraſes therein, contrary to the ordinary "grammar conſtruction of them; and (in another ſort "than I am ſure any divine or lawyer in any univerſity "would have taken them) to be meant by this horrible

"form

Ann. 1605. " form of blowing us all up by powder; and thereupon " ordered that ſearch to be made, whereby the matter " was diſcovered, and the man apprehended. It reſteth " now that I ſhould inform you what is to be done " hereafter upon the occaſion of this horrible accident. " As for your parts, that are my faithful and loving " ſubjects of all degrees, I know that your hearts are " ſo burnt up with zeal in this errand, and your tongues " ſo ready to utter your dutiful affection, and your " hands and feet ſo bent to concur in the execution " thereof (for which, as I need not to ſpur you, ſo can " I not but praiſe you for the ſame) as it may very well " be poſſible, that the zeal of your hearts may make " ſome of you in your ſpeeches raſhly to blame ſuch as " may be innocent of the attempt." He then excuſes the papiſts in general, and ſays, " That many papiſts " laying their only truſt upon Chriſt and his merits, at " their laſt breath, may and oftentimes are ſaved; de- " teſting in that point, and thinking the cruelty of the " puritans worthy of fire, that will admit no ſalvation " to the papiſts." He charges them " not to think that " any foreign princes had a hand in the plot, but to " ſpeak and think of them reverently."

In the concluſion of this long ſpeech are inſtructions to the parliament of the nature of their office; that they are not to be too buſy in propoſing new laws, but to conſult on thoſe which are propoſed by the king; that they ſhould be wary of propoſing novelties, but moſt of all not to propoſe any bitter or ſeditious laws *.

* James makes a kind of apology for not having before this performed the office of a tutor to the parliament. " It could not," ſaid he, " be poſſible for me, at my firſt entry here, before experience had taught it me, to be able to underſtand the particular myſteries of this ſtate. Yet now that I have reigned almoſt three years amongſt you, and have been careful to obſerve thoſe things that belong to the office of a king; albeit that time be but a ſhort time for experience in others, yet in a king may it be thought a reaſonable long time, eſpecially in me, who, altho' I be but in a manner a new king here, yet have been long acquainted with the office of a king in ſuch another kingdom, as doth neareſt of all others agree with the laws and cuſtoms of this ſtate."

After the chancellor had prorogued the parliament till Tueſday, 21ſt of January, the king roſe again, and ſhewed the reaſons for his nominating that day for the next meeting. " Since it pleaſed God," ſaid he, " to de- " liver me upon one day of the week, which was Tueſ- " day, and likewiſe on one day of the month, which " was the fifth, thereby to teach me, that as it was the " ſame devil that perſecuted me, ſo it was the ſame God " that ſtill mightily delivered me; I thought it there- " fore not amiſs that the one and twentieth day of Ja- " nuary, which falls to be upon Tueſday, ſhould be the " day of this meeting of next ſeſſions of parliament." Ann. 1605.

The king's ſpeech was much applauded by the courtiers, who found out greatneſs of ſoul in the expreſſions of moderation towards the papiſts. The generality of the people were of a different opinion; they conſidered it as the proofs of an incurable tenderneſs to the Roman catholics, and looked with horror and reſentment on the uncharitable condemnation of the puritans to fire, for an opinion which had no relation to the ſtate. Neither of theſe aſſigned motives were the real ones that actuated James in this declaration: He was at this time cajoled

Ann. 1605. Winwood's Memorials, vol. II p. 100. p. 166, & seq.

by Spain with the hopes of a family-alliance, attended with theſe flattering conditions: That he was to be made the arbiter of all the religious differences in Europe; that a large part of Flanders, and a yearly penſion of a millions of ducats, were to be the portion of the infanta; and that a reddition of ſuch towns as he ſhould demand were to be the ſecurity. He, on his ſide, was to aſſiſt Spain againſt the States General. Hence proceeded the cautious handling of the papiſts; hence the charge to the Commons to think and ſpeak reverently of foreign princes: and hence proceeded many proclamations to prevent the public from ſuſpecting that the conſpirators had been promiſed aſſiſtance from ſuch powers. Nor were theſe all the ſteps that James took to reconcile the Spaniards to his conduct. Many Roman catholics, who had taken up arms in Warwickſhire in defence of the conſpirators, were left unproſecuted, and an excuſe ſent to Spain for the fine and impriſonment of the earl of Northumberland *.

Re-meeting of Parliament.

ON the re-meeting of the parliament, the heinouſneſs of the late conſpiracy was the firſt conſideration that engaged the attention of both houſes. Some of the Commons propoſed that the priſoners might be tried before the king and parliament; others were for bringing in a bill to enact a more rigorous puniſhment than the law ordained. Both theſe motions were dropped, and the proceedings againſt them took their due courſe. The

* James gave leave to count Arundel of Wardour to raiſe a regiment of fifteen hundred Engliſh, and to the earl of Hume to raiſe another of a thouſand Scots for the ſervice of the arch-duke. *Guthrie*, vol. III. p. 646.

reſult

reſult of their reſentment was an act which ordained an annual thankſgiving on the fifth of November; and two ſevere ones againſt the body of papiſts, entitled, "An act for diſcovering and repreſſing popiſh recuſants; and an act to prevent dangers which may grow by popiſh recuſants." Theſe ſtatutes are yet in force. Ann. 1605.

THE buſineſs of a ſupply brought on the demand for redreſs of grievances. The king, who heard that the Commons were about eccleſiaſtical abuſes, was determined to be before-hand with them, and a meſſage was delivered to the Lords by the archbiſhop of Canterbury concerning the abuſes of excommunication, with this proviſo: "Tho his majeſty doth deſire that the ſaid juriſdiction eccleſiaſtick may be maintained and upholden in all reſpects as it is fit." A meſſage from the Commons deſired a conference on theſe articles: The filencing of miniſters, the multiplicity of eccleſiaſtical commiſſions, the manner of citations, and the point of excommunication. The Lords did not anſwer the meſſage till ſome time after, when the Commons were told that they had appointed a committee for the conference. Prerogative royal had been ſo zealouſly maintained in the upper houſe, in a debate whether they ſhould agree or not to the deſired conference, that the king ſent thanks to all the lords in general for their regard to his power. The buſineſs of the conference was now proceeded on. The biſhops were of the committee for the Lords, and the affair was determined according to the ſenſe of the king's meſſage.

THIS point gained, new difficulties aroſe. The nui-

Ann. 1605. ſance of purveyorſhip *, and the iniquity of the officers, were ſo ſtrongly repreſented by the Commons, that the miniſtry were confounded, and ſaid that they would join in chaſing out purveyors; but intreated an immediate ſupply to the king's neceſſities †. A bill for three ſubſidies and ſix fifteenths went on heavily in the lower houſe; the redreſs of grievances was thought very neceſſary to precede ſo large a grant. Theſe were enumerated, and the amount was ſo vaſt, that James ſaid peeviſhly, "They had ſent an O yes through the nation to find them." In the heat of the debate, an alarm of the king's being murdered at Oking threw the whole town in confuſion. The citizens were put under arms, and preparations made for a ſiege. The frighted members ſent meſſage after meſſage to the council, to know

Parliam. Hiſt.

Guthrie. Stow.

* Theſe men, by the licence of their office, which was to purvey for the king's houſhold, preſſed into their ſervice all kind of wheel-carriages and vehicles, in times of the greateſt buſineſs, and by ſuch means extorted money for reſpites. Two acts to redreſs this grievance paſſed the houſe of Commons, but were rejected by the Lords.

† Sir Thomas Ridgeway was one of the moſt zealous members in this buſineſs. After having expatiated on the bleſſings the iſland enjoyed under the preſent government, he enumerated the charges the king had ſuſtained ſince his acceſſion to the throne; and added, that the commonwealth was obliged to lighten the burden; for, as Moſes ſaid, How can he alone bear their ſtrifes and incumbrances?

Parliam. Hiſt. vol. V. p. 147.

James at this time maintained, at a great charge, an ambaſſador or reſident in almoſt every court in Europe; his domeſtic expences ran high; ſome of the maſks that the queen gave coſt 3000l. James had ſcattered his favours with a childiſh profuſion; and the Commons plainly ſaw, in the enumerating the cauſes of his neceſſity, that theſe cauſes might have been avoided. Mr. Holt obſerved, that a ſubſidy was a public contribution, not to be applied to private uſes, bounties, expences, ceremonies, and the like.

Winwood's Memorials, vol. II. p. 41.

the

the truth of the various reports; in a little time they Ann. 1605.
became leſs ſtrong, then doubtful, and in ſome hours James ſent word that he intended being in London that day. Whilſt the minds of men were yet agitated by the double ſurprize, whilſt the tide of affection ran yet high on account of the ſuppoſed accident, the courtiers puſhed the ſupply ſo ſtrongly and ſo warmly, that notwithſtanding all that the clear-ſighted members could do, they carried the motion. The next day, when time and reflection had abated over-heated loyalty, the outwitted party began to conſider of the largeneſs of their generoſity; and ſome of the members moved that it ſhould not paſs till the heavy grievances of the nation were redreſſed. The courtiers over-ruled this, and the bill was ſent up to the houſe of Lords, where it met with a quick and eaſy aſſent. Nor did the gratification which James enjoyed from the report terminate here. He was received at Hyde-park by the ſpeaker and four members of the houſe of Commons; the city paid him the ſame compliment; whilſt the eaſy vulgar were unbounded in their extaſies. The union was again brought Parliam. Hiſt.
before the houſes, and a bill paſſed as ineffectual as the former.

THE Commons were in ſo little temper for ſuch a compliance, that the country-party in the houſe had drawn up a liſt of the grievances of church and ſtate, and briſkly preſented it, while the bill of ſupply was paſſing the Lords. The oppreſſion which the ſubject ſuffered from purveyorſhip was again argued in the houſe, with propoſals for taking away the arbitrary power of the green-cloth. This drew a meſſage from

Ann. 1605. the king, in which he aſſured them of a reformation in this article, and that the ſubject ſhould not be brought before the green-cloth, but before the juſtice-ſeat. One Parker preached a ſermon at St. Paul's, where he abuſed the houſe of Commons in the groſſeſt terms for irregular proceedings: he was protected by the king, under a promiſe of correction. This affair would have gone
27 May. farther, if the parliament had not been prorogued ſuddenly *.

* Acts paſſed this ſeſſions.

1. An act for an annual thankſgiving on the fifth day of November.
2. An act for the attainder of divers offenders in the late moſt barbarous, monſtrous, deteſtable, and damnable treaſons.
3. An act declaratory, explaining the branch of an act authorizing certain commiſſioners of the realm of England to treat with the commiſſioners of Scotland.
4. An act for the better diſcovering and repreſſing of popiſh recuſants.
5. An act to prevent and avoid dangers which may grow by popiſh recuſants.
6. An act to enable his majeſty's ſubjects of England and Wales to trade freely into the dominions of Spain, Portugal, and France.
7. An act to reform the multitudes and miſdemeanors of attornies and ſolicitors at law.
8. An act to avoid unneceſſary delays of executions.
9. An act for the relief of ſuch as lawfully uſe the trade and handicraft of ſkinners.
10. An act for the rating and levying of the charges for conveying malefactors and offenders to jail.
11. An act for tranſportation of beer over the ſeas.
12. An act for the better preſervation of ſea-fiſh.
13. An act againſt the unlawful hunting and ſtealing of deer and conies.
14. An act for explanation of the ſtatute of ſewers.
15. An act for the recovering of ſmall debts, and for the relieving of poor debtors in London.
16. An act for the repealing an act made in the fourteenth year of Elizabeth's reign, concerning the length of kerſies.
17. An act concerning Welſh cottons.
18. An act for the bringing in of a freſh ſtream of running water to the north part of the city of London.
19. An act concerning the repairing and maintaining the highway leading from Kenſington to Nonſuch.
20. An act how paſſage may be made by water from London to Oxford.
21. An act to reſtrain the abuſes of players.
22. An act for the paving of Drury-lane and the town of St. Giles's in the Fields.
23. An act for repairing of Chepſtowe-bridge.
24. An act concerning the bridge over the Severn.
25. An act containing a confirmation of four ſubſidies of four ſhillings in the pound granted to the king by the clergy.
26. An act granting three entire ſubſidies and ſix fifteenths, granted to the king by the temporality.
27. An act containing a confirmation of the king's general and free pardon, with exceptions. *Vide Statutes at Large.*

THE friendly diſpoſition of the Engliſh towards the Dutch occaſioned ſuch a coldneſs in the Spaniſh monarch, that James had reaſon to be convinced that he ſhould enjoy little reality from the glorious offers of that court. Either through indolence, or want of courage, he was ſo far from executing his part of the conditions, *viz.* an aſſiſtance againſt the ſtates, that he did not prevent his ſubjects from inliſting under their banners. The Spaniard, deſpairing to rouſe the inactivity of his Engliſh ally, and reſenting the aid that the United Provinces received from his ſubjects, affected to treat him with the utmoſt contempt. Cornwallis, the Engliſh reſident at the Spaniſh court, was told that James had ſo entirely loſt the hearts of his ſubjects, that he had no influence

Ann. 1605.

Winwood's Memorials, vol. II. p. 138.

Ann. 1605. over them, and therefore his friendſhip was of little conſequence.

SEVERAL conſpirators who had been engaged in the gun-powder plot, now under the protection of the king of Spain, were refuſed to be given up, and the Engliſh merchants were perſecuted by the inquiſition, on pretence of retaliation for the ſufferings of the papiſts in England *. Notwithſtanding theſe inſults he did not forbid all

* Sir Charles Cornwallis, James's reſident in Spain, was at this time treated with inſolence and inhumanity. See the following letter from him on this ſubject to the lords of the privy council.

" May it pleaſe your Lordſhips, Madrid, 9 April, 1607, O. S.

" Upon the ſixth of this preſent I received your lordſhip's of the third of the laſt month, together with a letter from his majeſty to the king here, in relief of Adrian Thibault. Yeſterday I had a meſſage from the king, that this morning about nine of the clock I ſhould have acceſs unto him: I obſerved that hour, but was not obſerved with; for I ſtayed till after twelve of the clock, in a little baſe form, ſuch as I think there are few in the king my maſter's ſkullery, which are not furniſhed with much better, unaccompanied and unattended (as ambaſſadors are in England) but left to walk alone, or take my ſeat in the form, when wearineſs ſhould enforce me. Yet much favoured had I been if the poor form had been left me; but one of the king's chamber, either out of want of courteſy and reſpect, or of wit and good will, cauſed my form to be taken away, and carried into the next chamber; ſo as then, for the ſpace of one whole hour, I was enforced to hold me to my walk; which had been much leſs grievous unto me if either the place had been more ſpacious, or myſelf as able (as accuſtomably I am) to have endured it: but having through diſtemper, and much grief in my ſpleen, not ſlept above two hours in two nights before, which, had not his majeſty's ſervice drawn me out, would rather have moved me to have kept my bed, than give ſo long attendance upon a bare pavement in court, together with ſo long faſting, I became exceeding faint, and grieved not a little at ſo unreſpective an uſage." *Winwood's Memorials*, vol. II. p. 299.

hopes

hopes of alliance; and James ſtill flattering himſelf with Ann. 1606. that fantaſtical deluſion, winked at oppreſſions, which a warlike nation would have entirely put an end to.

A VISIT from the king of Denmark and the prince Vaudemont, another relation of the queen, helped to diſſipate the large grants which the king had received laſt ſeſſions. One continued round of magnificent ſhews and expenſive amuſements filled up the barren tranſactions of his court *.

CHAP. III.

Parliament.——Prorogation.——Affairs of Holland.——Re-meeting of parliament.——Death of the king of France.——Prorogation and diſſolution of parliament.

THE nation appeared to enjoy a perfect calm; the dazzling glitter of the court, whilſt it diſſipated reflection, confounded the ſenſe of evil with the allurement of pleaſure; and private grievances were forgot in the enjoyment of public amuſements. James, wan-

* I find among the manuſcripts in the Britiſh Muſeum a letter of James to the town of Shrewſbury, recommending Thomas Unton to be town-clerk. The corporation of Shrewſbury excuſed themſelves from complying with this requeſt, and petitioned to be left to the free exerciſe of their privileges by charter. Some time after this, James applied in the ſame manner to the city of Cheſter, in favour of Mr. Manwaring to be recorder; this city, in their anſwer to the king, followed the example which had been ſet them by the town of Shrewſbury. *MSS. in the Br. Muſeum*, fol. 384, number 2105.

 toning

Ann. 1606. toning in the moſt laviſh prodigality, would have experienced the full meaſure of happineſs, had he effected his darling plan of an union. This event he looked on as one of the moſt important advantages of his acceſſion; and an epocha which would ſtrongly mark the luſtre of his reign: nor did he ever ſuſpect that his ingenuity and eloquence would be baffled in one of the moſt rational ſchemes he had ever projected, or that plebeian powers could withſtand kingly force and kingly wiſdom; beſides, the late generoſity of the Commons had taught him, that if that formidable aſſembly was difficult of conviction, they were liable to be over-reached by the low cunning of court-politics. The next ſeſſions he hoped would bring the affair to a favourable iſſue; and on the eighteenth of November, the day to which the parliament had been prorogued, he made a ſpeech to that effect *. Sir Francis Bacon employed all his

* In this ſpeech James admoniſhes the parliament to be upon their good behaviour: He tells them, That as individuals they are ſubject to the power of their ſovereign; warns them, that their office is not perpetual, and compares the diſſolution of a parliament to the death of kings, who, after the expiration of their reigns with their lives, muſt give an account of their actions. "Beware, adds he, that ye be not like Icarus the ſon of Dædalus, that ſoared ſo near the ſun with his wings of wax, that his wax melted, and his wings failed, and down he fell; and therefore I conclude with Neptune in Virgil, *Sed motos præſtat componere fluctus.* I wiſh ye would know me, and obſerve me; and if any plebeian tribunes ſhould incur any offence, or commit any ſuch errors, that ye would correct them for it, and judge yourſelves, as St. Paul ſaith, that ye be not judged; and that the whole body receive not a wound for one ill member thereof." After having aſſailed the parliament with many importunities concerning the union, he told them, that he deſired no more than what he had power of himſelf to accompliſh without them.

Journals of the Houſe of Commons, vol. i. p. 314. et ſeq.

powers

powers to the ſame purpoſe; and, in order to ſoften the members, ſome trifling conceſſions were made on a few of the leaſt important articles in the liſt of grievances offered the laſt ſeſſions: but neither could the keenneſs of the monarch, the favour of his conceſſions, nor the eloquence of his ſervant, Sir Francis Bacon, prevail over the determined reſolution of the Commons; nor were the Lords extremely forward to ſhew that devotion which had ever been proof againſt the arguments of public good. National animoſity and perſonal jealouſy now ſo far prevailed, that after many fruitleſs meſſages, and as fruitleſs conferences, the only point determined was an act for the utter abolition of all memory of hoſtilities between the two nations; and for repreſſing the occaſion of diſcord for the time to come *. James, impatient at theſe delays, called together the two houſes at Whitehall †, where he laboured to convince them of the utility

Ann. 1606.

* The Commons thought fit to gratify the king by impriſoning one of their members, Sir Chriſtopher Pigott, and diſmiſſing him from the houſe, for having inveighed with great intemperateneſs againſt the Scotch in a debate on the ſubject of the union.

† In the ſpeech the king made on this occaſion, he gives a remarkable detail of the extent of his authority in the Scotch government; it is in anſwer to an objection made by the oppoſition on the different privileges claimed by the Scotch and Engliſh ſubjects. "The Scots, ſays he, in their pretence to a preſerving their own fundamental laws, only mean thoſe laws by which confuſion is avoided, and their king's ſucceſſion and monarchy maintained; not the common law as you do, for the Scots have no law but that which is *jus regis.*" He boaſts, that he governs Scotland with his pen; that he does more by a clerk of the council than others could do by the ſword; that no man there dares to ſpeak diſhonourably of England, as the Engliſh have done of Scotland, for the authority of the chancellor would interrupt him. To an objection that had been ſtarted, that the king of Scotland had

Ann. 1606. of the union, and the error of their proceedings; mentioned a proclamation he had made by the opinion of the judges, to naturalize thoſe Scotch ſubjects born after his acceſſion, and charges them not to diſgrace either his proclamation or his judges; who, when the parliament was done, had authority to try their lands and lives: laſtly, he warned them to think of his power, and not to tempt his patience. The important conſequences which muſt attend an incorporation of the two nations more than ballanced the king's rhetoric, and deterred the parliament from attempting it at a time when his partiality, and the pretenſions of the Scotch, forbade all hopes of its being done on advantageous or even equitable terms.

THE mortification which the diſappointment occaſioned to James was conſiderable; the conviction of his own abilities, and the flattery he had met with on his acceſſion, made him look on every attempt to be within the reach of his powers. He had gone farther in this than his prerogative could ſecure; its proving abortive would make even his Scotch ſubjects look upon his influence in England with contempt. He had mixed entreaty with threats, and had condeſcended to beg the parliament to ſave him the diſgrace of being fruſtrated: his reſentment made him conceive a contempt and averſion for theſe aſſemblies, which continued all the remaining part

not a negative voice, but muſt paſs the laws agreed on by the Lords and Commons, he aſſures them, that the form of the Scotch parliament is ſo little inclined to popularity that all bills to be exhibited on a ſeſſions muſt be approved by the king before they can be propounded to the parliament. *Parliam. Hiſt.* vol. V. p. 199, *& ſeq.*

of

of his reign; nor were theſe aſſemblies more favourable Ann. 1607.
in their opinion of majeſty: James's mean miſ-repreſentations, his verbal aſſurances, his impotent menaces, and barren arguments, while they expoſed the ſhallowneſs of the modern Solomon, unveiled prerogative itſelf. The Commons now with curious eyes looked on a divinity which they had been taught to worſhip blindly. On canvaſſing its pretenſions, they found them not only deſtructive to the conſtitution, but irreconcileable to every rational principle; and that the laws were weak barriers to its unlimited force. Among the many bitter things which had been ſaid during the late conteſt, the inconvenience of royal reſidence was ſo often hinted at, that James actually offered the parliament to ſpend his years alternately in Scotland and England, or to remove his court to York. The Commons intended to deſire him in an addreſs not to liſten to reports, but learn the ſenſe of the houſe from the ſpeaker; the king was apprized of their intention, and pacified them by a meſſage importing, "That he was extremely tender of their privileges, and that every member might ſpeak freely, though with modeſty and diſcretion." Not being able to attain the ends for which he permitted the parliament to meet, on the fourth of July he prorogued them to the ſixteenth of November *. A pe- Parliament prorogued.

* Acts paſſed this ſeſſions.

1. An act for the utter abolition of all memory of hoſtilities, and the dependance thereof, between England and Scotland, and for the repreſſing the occaſions of diſcord and diſorders for the time to come.
2. An act for the true making of woollen-cloth.
3. An act to give coſts to the defendant upon a non-ſuit of the plaintiff.

Ann. 1607. tition was preſented to the Commons this ſeſſion on

4. An act to reſtrain the utterance of beer to alehouſe-keepers not licenſed.

5. An act for repreſſing drunkenneſs.

6. An act for repealing one branch of a ſtatute concerning tanners.

7. An act for the founding and incorporating of a free grammar-ſchool in the town of North Leech.

8. An act touching the drowned marſhes of Leſnes and Fants in the county of Kent.

9. An act to explain a former act entitled, An act to enable all his majeſty's loving ſubjects of England and Wales to trade freely into the dominions of Spain, Portugal, and France.

10. An act for confirmation of ſome part of a charter granted to the mayor, &c. of the town of Southampton.

11. An act for the better proviſion of paſture for neceſſary maintenance of huſbandry, &c.

12. An act for the explanation of a ſtatute entitled, An act for the bringing in of a freſh ſtream of water to the North parts of the city of London.

13. An act for the draining of certain fens and low grounds in the iſle of Ely.

14. An act for the better execution of juſtice in the North part of the kingdom of England.

15. An act that all ſuch as are to be naturalized or reſtored in blood ſhall receive the ſacrament and then the oath of allegiance.

16. An act concerning the employment of money given for the binding out of apprentices.

17. An act for the due execution of divers laws concerning beggars, &c.

18. An act for eaſe in pleading ſuits proſecuted againſt juſtices, &c.

19. An act for adminiſtring the oath of allegiance and reformation of married women recuſants.

20. An act concerning the puniſhing of fraud in the woollen manufacture.

21. An act to enlarge an act concerning the keeping of milch kine, &c.

22. An act concerning the bringing of freſh ſtreams of water to Chelſea College.

23. An

the hardſhips inflicted on the Engliſh merchants by the Spaniards *. The miniſtry took it amiſs, that the par- Ann. 1607. Parliam. Hiſt.

23. An act for reformation of alehouſe keepers.

24. An act concerning the preſervation of game.

25. An act to avoid the double payment of debts.

26. An act for the explanation of a ſtatute concerning game.

27. An act for reviving of part of an act concerning the horn trade.

28. An act concerning ſome manner of aſſignment of debts to his majeſty.

29. An act concerning the encouragement of poor people employed in the manufacture of coarſe cottons.

30. An act concerning the burning of Ling-heath, &c.

31. An act concerning the conveyance of ſea-ſand.

32. An act for the reparation of a weare on the river Exe.

33. An act concerning the recovery of marſh grounds in the counties of Norfolk and Suffolk, overflowed by the ſea.

34. An act concerning the confirmation of decrees to be made in the exchequer-chamber, &c.

35. An act for a confirmation of a ſubſidy granted by the clergy.

36. An act for one ſubſidy and one fifteenth granted by the temporality.

37. An act for a confirmation of the king's general and free pardon. *Vid. Statutes at Large.*

* Many petitions of this ſort had been before preſented to the king without effect. Theſe hardſhips are mentioned in ſeveral letters from Sir Charles Cornwallis, the reſident in Spain, to the earl of Saliſbury. "If ſome better courſe, writes he in one of theſe letters, be not inſtantly taken, I ſee no reaſon why his majeſty ſhould ſuffer his ſubjects to continue their traffic hither, ſo much to their loſs and peril. Occaſion to call to new queſtion will ariſe out of the cruelty of don Luys Fyrardo to the merchants taken in the Indies; ſince in the articles there is contained no ſpecial prohibition. And ſure I am, that his majeſty will not think it for his honour to give ſo much way to the Spaniſh pride as to conſent to deprive his ſubjects to trade thither. I make no doubt but his majeſty will not only require ſatisfaction for the lives of his ſubjects, there ſlain by Fyrardo, but for the liberty and reſtitution of goods to thoſe that remain in their gallies and other priſons. Upon

Ann. 1607. liament ſhould be petitioned on a ſubject within the particular province of the king and council; and the Lords refuſed to concur in proceeding upon it. The remainder of this year and the following is barren of all memorable events.

Ann. 1609. Affairs of Holland. THE year 1609 is notable for the prevailing influence of liberty. The republic of Holland, animated with

Upon this will ariſe the queſtion (and may be raiſed and now warranted with ſafety) of a trade thither by our merchants, till ſome further concluſion be had between the two kings. That themſelves ſhall ſend any fleet to diſturb them, either this year or the next (if the Hollanders continue the courſe they have begun) I ſee little or no poſſibility; if they here want their treaſure from thence, they are neither able to maintain their wars abroad, nor themſelves at home. If their people there want their neceſſaries from hence, neceſſity will enforce them to caſt themſelves into any arms that will ſupply them by trading with them. To write all I would about this ſubject would exceed all proportion of a letter: to be ſhort, their eſtates, were they now well ſet upon, is irrevocable; this peace being an impediment to the greateſt advantage and means to enrich our king and realm that in any age hath ever been offered." *Winwood's Memorials*, vol. II. p. 235, *& ſeq.*

To the merchants petition on the occaſion of the wrongs they had received from the Spaniards, were ſubjoined juſt cauſes and reaſons for enabling by law the ſubjects of England, by way of letters of mart, to recover the damages they had received from this people. Theſe reaſons are founded upon the iniquitous proceedings of the Spaniſh courts of confiſcation, where the ſame perſon was commonly both judge and party, and the Engliſh were frequently put to the torture to make diſcovery. They take notice likewiſe, that it was a common practice with the Spaniards to join themſelves with the Malteſe, who were not then in friendſhip with England, and thereby entrap the Engliſh, and that under pretence of the pope's prohibiting all commerce with infidels, the moſt valuable branches of their Levant and Turky trade had been ruined. *Guthrie*, vol. III. p. 664.

its virtue, from ſmall beginnings, had become the aſtoniſhment of mankind; and now, having vanquiſhed her tyrannical maſter in almoſt every quarter of the globe, ſhe obliged him to yield his arbitrary pretenſions, and declare her independent. The pride of Spain long ſtruggled before it would give up the point; after a tedious negotiation, a truce of twelve years was concluded, under the mediation of the kings of France and England. Henry had ſent to offer his aſſiſtance, and James was complimented with the ſame diſtinction *. Cecil, who managed the part that James acted, was on one ſide ſhackled by his maſter's extreme fear of incurring the neceſſity of making war, his coldneſs to the Dutch, whom he termed rebels, his cautiouſneſs of diſobliging Spain; and, on the other ſide, by the warm inclination of the Engliſh ſubjects towards the States. His conduct, influenced by theſe contrarieties, was ſo lukewarm, that the fear and jealouſy of the Dutch was much inflamed by the management practiſed with Spain, and Spain reſented the protection which the Dutch, during the courſe of the mediation, was promiſed Ann. 1609.

* James was afraid of being entirely left out of this buſineſs: He ſent ſeveral reprimands to the States for not having conſulted him concerning their intention of a treaty with Spain. To the court of Spain he intimated, that if they had employed him as a mediator, they would not have been obliged to have condeſcended to the diſgraceful terms of yielding their claim of ſovereignty over the States. *Winwood's Memorials*, vol. II. The States paid James the compliment he demanded with ſome reluctance: He had peremptorily refuſed to enter into a defenſive alliance with France for their protection, and they were well acquainted with the weak attachment which he at this time entertained for their inveterate enemies the Spaniards.

Ann. 1609. from England *; who, though they were not aſſiſted ſo vigorouſly by this power as they ought to have been,

* James was ſo mean as to make uſe of the following arguments to pacify the king of Spain. "If it be conſidered, writes Saliſbury to Cornwallis, what power his majeſty had and hath ſtill to croſs this treaty now on foot (how far onwards ſoever it may be taken to be) if he would but promiſe any underhand aſſiſtance to the States, whereunto he is often ſolicited by them, and to whom he ſhould give ſatisfaction if he would but have permitted the French king to have paid ſome money of his own debts; or if his majeſty's proceeding be but looked into, how temperately he hath carried himſelf therein more than others, becauſe he would not give the States any cauſe to inſiſt upon any exorbitant conditions in the treaty, inſomuch as (I do aſſure you) the matter is not yet brought to any final concluſion; of which his majeſty's ſlowneſs, thoſe that ſeek to draw a ſtrait obligation and dependency from the States unto them, ceaſe not to make the beſt uſe they can, comparing their readineſs with his majeſty's coldneſs. It will appear, if the audit be well caſt up, that his majeſty deſerveth better at the king of Spain's and archduke's hands, in real and eſſential friendſhip, than he is requited; unleſs they would have left the king obnoxious to all the world's cenſure, and particularly to the States' ſuſpicion, not only to have refuſed any manner of aſſiſtance openly or covertly, mediately or immediately, for the war, but to have perſuaded peace and truſt, and yet have refuſed this contract, which is of no validity, except peace be made and after broken. And for the argument itſelf, of the perpetual friendſhip, you may ſay that the States' peace with Spain being likewiſe perpetual (as it is pretended) can give no prejudice unto it, unleſs they will give it in ſurmiſe that they intend not to keep the ſame, and therefore would have us deſiſt from any ſuch league with the States. In which particular, as they will open themſelves unto you, ſo his majeſty will conform himſelf accordingly.

Moreover, I muſt let you know what ſtrange judgment the world doth make of that public reception and ſupport given to Tyrone and others at Milan, contrary to the king of Spain's proteſtation, both delivered unto you, and here confirmed by his own ambaſſador to his majeſty, That the king would not ſhelter them in any of his dominions; yet to its perſeverance in not abandoning them, may be attributed the terms they got from Spain, and the

Ann. 1609.

nions; whereas now the world ſees that they are publicly received, feaſted, and entertained at Milan, with money given them by his public miniſter there: In which particular you may repreſent unto the king, what hazard his word and faith runneth in the opinion of others' judgment, though his majeſty ſuſpendeth his own, and what ſmall retribution he giveth to the king our maſter, in thoſe and all other his moſt honourable proceedings towards him.

Laſtly, if you ſhall hear it ſpoken of there that the king our maſter continueth any diſburſements to the States, by way of aſſiſtance unto them, under the payments which the French king doth yearly afford unto them, you may confidently affirm (for ſo his majeſty doth take it upon his honour, and I myſelf know it to be true) that his majeſty never aſſented to any ſuch courſe (ſince his peace was concluded with Spain) but hath ſtill proteſted againſt it to the French king and his miniſters, that he would not ſtand to any ſuch diſburſements; ſo that if the French ambaſſador there ſhould inform any ſuch matter, you may publicly proteſt, that the king our maſter does utterly diſavow it. True it is, that the chief financer de Roſny hath ſtill gone about to urge it upon our decompts, but his majeſty hath from time to time diſclaimed againſt it; ſo as this is rather to be accounted a bravery of the financers, than a matter in which the French king will truly avow him." *Winwood's Memorials*, vol. II. p. 402, *& ſeq.*

On James's acceſſion, there remained a debt due from the French king to the crown of England of money which had been advanced by Elizabeth. This debt Henry the Fourth wanted to pay on James's account, to the ſupport of the States: James always peremptorily refuſed this, on pretence that it would be a breach of his treaty with Spain.

At this period that James was thus meanly courting the good graces of the court of Spain, the earls of Tyrone and Tyrconnel, and a great number of Britiſh and Iriſh rebels, were received and maintained in the Spaniſh dominions; and they openly avowed a deſign of making an inſurrection in Ireland.

In another letter Saliſbury dilates further on the ſubject of excuſing, to the court of Spain, James's conduct in this buſineſs. "When we

Ann. 1609. being acknowledged a ſovereign ſtate by all other potentates *.

underſtood, writes he, that the States (finding themſelves abandoned of their expectation for aſſiſtance in the war, were unwilling to proceed further into the peace, unleſs they might have ſome kind of warrant and aſſurance from their neighbour princes, whereon they might rely in caſe that conditions afterwards ſhould not be kept with them) had made inſtance for a league defenſive, to be made betwixt his majeſty, the French, and them, which league ſhould have relation to the concluſion of the peace, and not otherwiſe, his majeſty ſhewed no ſuch readineſs to embrace the ſame; though, upon ſecond inſtances made in that behalf, as he had no reaſon wholly to reject this league, leſt the States might conceive that his majeſty would wholly caſt them off both in war and peace, ſo would he not alſo ſuddenly accept of it, leſt the States' mind might be raiſed thereby to ſtand upon higher conditions with Spain; but rather choſe to protract his reſolution, under pretence of other circumſtances that were depending thereon, for the reimburſement of their debt, and ſuch like: until afterwards, ſeeing on the one ſide the French impatient of delay to have concluded their league, and no exceptions taken at all for it from Spain or the arch-duke's; and on the other ſide finding the States continually to preſs his majeſty for his reſolution in it, profeſſing otherwiſe their unwillingneſs to proceed without it into the peace, his majeſty gave orders to his commiſſioners to go onward alſo into this league, but commanded them firſt to acquaint the arch-duke's commiſſioners with it, and to impart unto them the reaſons which moved his majeſty to do it. *Winwood's Memorials*, vol. II. p. 407.

* He at length concluded a ſeparate treaty with the States, by which he engaged himſelf to furniſh twenty armed veſſels, from three hundred to ſix hundred tons, to be employed againſt any power whatſoever who ſhould diſturb the intended peace with Spain, in caſe it ſhould take place. The expence of theſe auxiliaries was to be repaid within five years after the war was finiſhed.

The States General bound themſelves to aſſiſt James with the ſame number of ſhips, of the like force, four thouſand foot and three hundred cavalry. The ſame terms are ſtipulated for their repayment.

This treaty was to be perpetual; neither party was to make peace with

Ann. 1609. THE behaviour of the king of France was neither generous nor conſiſtent. In the beginning of the treaty his offers to the States were high and warm *; but the fear of incurring the whole defence of his allies, with ſome wheedling propoſals inſinuated to him by the Spaniſh court †, made him ſo cold towards the end of it,

with the aggreſſor, without the conſent of the other. This league was not to be prejudicial to the defenſive one made between the States and the king of France. *Rymer*, vol. XVI. p. 668.

* He ſigned a defenſive league with the States: By this treaty he was to furniſh the States with ten thouſand men, to be paid by him as long as they ſhould need them; and if a greater aſſiſtance was neceſſary, he was to furniſh it; the expence of the additional aſſiſtance was to be repaid him by the States upon the concluſion of the war. The States obliged themſelves, in caſe Henry was attacked, to furniſh him with five thouſand men, either by land or ſea, as he ſhould require, or more if there was occaſion; the expence of the additionals being defrayed as above. *Guthrie*, 1751, vol. III. p. 667.

† This was the renewal of an offer of double marriages between the courts of France and Spain, with the giving up to France the right of ſovereignty over the Low Countries. On this negotiation, Henry abated much of his zeal for the preſervation, or at leaſt for the honour of the States. He inſinuated, that it would be convenient to accept of a long truce, without the ſtipulation of a direct acknowledgment from Spain of independency. His miniſter Villeroy wrote in the following ſtrain to the preſident Jeannin.

" Nous eſtimons le party de la paix le plus ſeur et honorable, et au defaut d-iceluy celuy de la treve de longues années le meilleur, et voulons toujour eviter celuy de la guerre, ſi l'on ne nous donne tres grand et utile ſujet d'en courre le hazard. Nous nous ſouvenous bien que vous nous aves predit que Leſdits Eſtats n'accorderont jamais ladite treve que l'on ne leur quitte la ſouverainté comme par la paix: Nous deſirons comme eux qu'ils l'abtiennent, mais nous en diſeſperons, et de plus diſons, qu'il n'eſt pas raiſonnable qu'ils opiniaſtrent ce point; car ce ſeroit ſortir des terms et effets d'une treve, et devront ſe contenter d'en avoir l'effet pour le temps qu'elle durera: pour le moins jugeons nous que nous ferions faute de mettre nos affairs en

 peril

Ann. 1609. that they apparently owed their ſucceſs to the cordial ſympathy of the Engliſh *.

peril pour ſouſtinir une telle cauſe et opiniaſtreté." *Winwood's Memorials*, vol. II. p. 398, 429.

* The inclination of the Engliſh people to ſupport the Dutch, grounded on the principles of ſound policy, from their correſpondent intereſts in the preſervation of eccleſiaſtical and civil liberties, was proof againſt many provocations which they ſuſtained from that republic. The Dutch, from motives of an inexcuſable ſelfiſhneſs, emboldened by the puſillanimity they had obſerved in James, inſulted the Engliſh nation with impunity: They burnt their ſhips and murdered their men, for trading to the ports of Flanders; whilſt they ſuffered their own countrymen to trade there without moleſtation. *Sir William Monſon's Naval Tracts.*

The ſentiments of the Engliſh, on the ſubject of this correſpondent intereſt, is diſſeminated in all the letters between the ſeveral miniſters that were employed in the ſtate tranſactions of this reign. Sir Henry Neville, in a correſpondence with Sir Ralph Winwood, ambaſſador at the Hague, expreſſes himſelf thus. "I am ſorry to ſee that the ſtate of thoſe provinces is ſo weak, that they are not able to ſubſiſt for any ſmall time without a peace: Againſt ſuch a neceſſity there is no diſputing; ſo whether the king of Spain aſſent to the truce in the Indies, or what miſchief ſoever be like to enſue by opening the trade to Antwerp, for any thing I ſee they muſt make a peace. I much deplore this hard condition of theirs, and hold them unworthy of ſuch an iſſue of their troubles, wherein they have acted with ſo much wiſdom and fortitude; and I do as much blame all their confederates that have ſuffered ſuch virtues to miſcarry for want of their aſſiſtance. Shame be to France that was able and would not; and woe be to us that would and cannot.

"I am glad to find your ſtile in this laſt letter ſomewhat altered, as I conceive, from divers of your former; for whereas in them I always found you of opinion, that of neceſſity thoſe provinces were to make a peace, and could not ſubſiſt without it; in this laſt, methinks, I diſcern ſome more comfort. For my part, I profeſs I hold their intereſt and ours ſo nearly conjoined in true reaſon of ſtate, as I do almoſt equally reſpect them, and would as willingly contribute, even beyond

THE parliament, after ſeveral prorogations, met 9th Ann. 1609.

beyond all proportion of my means, and co-operate as ſincerely with my voice and beſt endeavour in parliament to enable the king to yield them a real aſſiſtance, as I would for the reduction or pacifying of Ireland. And ſure I am, that the general affection of the ſubjects of England is great unto the conſervation of thoſe provinces; and that they would ſooner be drawn to yield him a contribution for that end than for any other that can be propoſed."

Mr. More, one of the ſecretaries to the earl of Saliſbury, writes thus to Sir Ralph Winwood.

"For the pretended alliances between France and Spain, it is here foreſeen that they may produce very dangerous effects, prejudicial to the reſt of Chriſtendom, but eſpecially to this ſtate. The catholic faction (we ſay) may be hereby mightily ſtrengthened, Ferdinand of Gratz' pretenſions advanced, and the States enforced to lay down their arms, upon ſuch conditions as the French king (to the neglect and diſhonour of his majeſty) ſhall procure for them, with many other miſchievous inconvenients, which your wiſe imagination can well ſuggeſt, not my pen expreſs. We ſee a word for all theſe blows, by taking the preſent occaſion, *à pied levé*, to ſtrike cloſe hands with the States; and now whilſt their perplexed minds are charged with doubts and jealouſies of the other party's combinations, to aſſure them wholly to ourſelves, and ſo ſhould we need not to fear or envy the ſtrength and glory of the two kings. For the religion being hereby reinforced, the proteſtants of France taking heart unto them, the king would be no leſs afraid and jealous of them than heretofore he hath been of a contrary faction; and we being abſolute maſters of the ſea, might order the traffic of France at our diſcretion: And for Spain, we ſhould not only be able to make a fair attempt for both his Indies, but alſo our weſtern people, with the volunteers of other coaſt towns (together with that navy which the States could eaſily maintain upon the coaſt of Spain) would ſo infeſt their home trade, that the very traffic between Spain and Portugal would, in ſhort time, be barred, or become unfruitful. But all this diſcourſe is but wind: his majeſty a lover of peace, and having conceived I know not what opinion of the States, is miſerably poor, having not wherewith now to maintain his ordinary expence, much leſs to feed a war; which, beſides its own conſumptions, will, by the

Ann. 1609. February 1609 *. The extreme neceſſities of James, which had been very inſufficiently ſupplied by an aid exacted for the knighthood of his ſon, with a loan of 200,000 l. extorted by flattery from the city of London, urged him to this diſtaſteful remedy †.

SALISBURY ſtated the debts of the crown, and not only demanded a preſent ſupply, but ſome neceſſary means to be conſidered for the better ſupport of the royal ſtate for the time to come. He then intimated the king's intention of creating his ſon Henry prince of Wales and earl of Cheſter. Henry was a great favourite of the people, and the ſevering from the crown the principality of Wales, which yearly brought in the large ſum of fifty thouſand pounds, was thought to be a good pretence to demand an addition to the royal revenue. In a conference between the two houſes on the demands of the king, Saliſbury enumerated the obligations, as he termed them, which his maſter had lain under to ex-

the abridgment of trade, hinder the profit of cuſtoms, the beſt part of his majeſty's revenues. *Winwood's Memorials*, vol. II. p. 398, 412, & *ſeq.*

* It appears by a letter from Mr. Chamberlain, dated from London 13 Feb. 1609, to Sir Ralph Winwood, ambaſſador at the Hague, that ſeveral members who had acted with ſpirit in oppoſition to court meaſures, had felt the diſpleaſure of the miniſtry. The paragraph is as follows: "The parliament is likely to hold on, for young Yelverton has made his peace; and divers gentlemen, that were put out of the commiſſion for the peace, for being over buſy the laſt ſeſſions, are reſtored; and Sir Henry Withrington releaſed from his reſtraint. *Winwood's Memorials*, vol. III. p. 117.

† He made frequent viſits to the lord mayor, accepted of the freedom of the clothworkers company for himſelf, and the merchant taylors for his ſon.

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pend very enormous ſums *; and ſaid, "That ſupplying his wants was a mark of eſteem which could not be denied to a king, who was not only the wiſeſt of kings, but the very image of an angel." Theſe and many other arguments were urged, but the Commons were not ſo over-haſty in yielding to them, as to neglect the redreſs of grievances. Ann. 1609.

A FREE enquiry into impoſitions, and concerning undertakers for executing oppreſſive licences upon the ſubject, drew from James a meſſage diſapproving their proceedings. This was delivered by the ſpeaker, who received a ſhort reprimand for bringing any meſſage to the houſe from the king, without having been previouſly ſent to him by themſelves. It was found to be againſt due order, and voted no precedent for the future. Journals of the Houſe of Commons, vol. I. p. 427.

THESE incidents, and a ſpeech which the king made at Whitehall, in which he talked in the higheſt ſtrains of his prerogative, drew on an addreſs from the Commons, which begins with this aſſertion of their privileges. "Firſt, we hold it an antient, general, and undoubted right of parliament, to debate freely of all matters which do properly concern the ſubject, and his right of ſtate; which freedom of debate being once foreclоſed, the eſſence of the liberty of parliament is withall diſſolved." The whole of this addreſs breathes the ſame ſpirit of freedom; and though James highly reſented it, his pre- Journals of Parliament, vol. I. p. 431.

* In the liſt of theſe charges is a burleſque one, of an extraordinary attendance to protect the king's wife and children from being robbed on the road from Edinburgh to London. *Wilſon*, 1653, p. 44.

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Ann. 1609. ſent exigencies obliged him not only to ſmother that reſentment, but to receive the members who brought it with ſome degree of complacency *.

AN hundred thouſand pounds a-year was agreed to be given in lieu of wardſhips, tenures, and purveyor-
Parliam. Hiſt. ſhips, and the propoſal, by the conſent of the Lords, was delivered to the king †. The buſineſs appeared to

* We may judge by a private letter, dated 24 May 1610, what was the opinion of the people concerning this tranſaction.

" Touching parliament matters, I know not what to write, ſeeing they have ſat fourteen weeks to ſo little purpoſe. Of late there have been ſome tempeſts raiſed about their meddling with impoſitions, which, by a meſſage from the king, they were forbidden to deal in. On the 21ſt of this preſent, he made another ſpeech to both the houſes, but ſo little to their ſatisfaction, that I hear it bred generally much diſcontent, to ſee our monarchical power and regal prerogative ſtrained ſo high, and made ſo tranſcendent every way, that if the practice ſhould follow the poſitions, we are not like to leave to our ſucceſſors that freedom we received from our forefathers, nor make an account of any thing we have, longer than they liſt that govern." *Winwood's Memorials*, vol. III. p. 175.

† The full ſenſe of the houſe of Commons on this ſubject may be ſeen in the following paragraph of a letter, dated from London 1609, to Mr. Trumball, reſident at Bruſſels.

" I cannot entertain you with any other, nor indeed with any worthier ſubject, than with ſuch occurrences as our parliament doth produce; which doth now begin to grow very warm about thoſe important matters I mentioned in my laſt; and, according to the common opinion and hope, is like to bring forth very great alteration and reformation in the ſtate. Thoſe things which by my former I did write unto you to have been reciprocally propounded by both the houſes, were as then but *informis materia*, whereupon they were to work; and as they are both of a pondrous conſideration, and laborious effecting, ſo can they not (as the proverb ſays) be caſt in a mould, nor ſo eaſily be brought to paſs, as perhaps mens' affections and curioſities may

be going forward, when the ſudden death of Henry of France, who was murdered in his coach by the hardy Ann. 1609. Death of the French king.

may deſire: For it being in queſtion not only to eradicate the ſtrongeſt and moſt inveterate diſeaſes of the ſtate, but alſo to admit new ſeeds of temperature or diſtemperature in that body, you may think with what caution, warineſs, and ſlowneſs, they will proceed in ſo important a work, and with how much labour they are like to come at the perfecting of the ſame; therefore hath there been nothing done almoſt hitherto in the parliament, but only conteſting the form of their propounding and offers: For that after my lord treaſurer (as I wrote to you by my laſt) had concluded his ſpeech, and, for an inducement and better inclining the lower houſe to the granting thoſe high and extraordinary demands which he made for a ſupply and a ſupport of the king's neceſſities and charges, beſides the 200,000 l. yearly and perpetual, which he demanded for the ſupport, he did alſo demand 600,000 l. for the ſupply. He promiſed them, that the king would now, to his power, give them ſatisfaction in any of thoſe grievances which they had heretofore propounded, or had now to propound. The ſaid houſe being, on the one ſide, very deſirous, and almoſt reſolved to do any thing to obtain a redreſs of the ſaid grievances, and a ſuppreſſion of thoſe abuſes and rigorous cuſtoms wherewith they found themſelves oppreſſed, as with the matters of wardſhips, purveyors, &c. ſo on the other ſide being very jealous of the power of the king's prerogative, whereunto ſome are of opinion theſe things are ſo adherent and affected, as that he might hereafter reſume by little and little unto himſelf the right and appropriation of the ſame; they were very much afraid to engage themſelves in any offers or promiſe of contribution to the king, before they were ſure of ſome certain and ſound retribution from him: And therefore, after my lord treaſurer had propounded his demand of money, thoſe of the lower houſe did deſire to know what the king would retribute to them for the ſame; for the which being checked by my lord treaſurer, as for an unreſpectful proceeding towards his majeſty, of whom they would draw the firſt proffers of conditions, afore they had ſo much as aſſured him of their wills for the ſatisfaction of their demands, there was (and this but yeſterday) a great contention and ſtir in the houſe about the terms and framing of that aſſurance which was required at their hands; the which at length was conceived and delivered in

Ann. 1609. assassin Ravillac, threw a damp upon the whole affair, the king making use of that event to rise on the conditions of the contract.

The king's son created prince of Wales.

FURTHER proceedings also were stopped for some time by the pageantry attending the creation of the prince of Wales; but to keep up a harmony between the parties, the Commons granted, on the giving up two or three impositions, one entire subsidy, one fifteenth, one tenth; and the clergy added their six shillings in the pound. This liberality was so far from forwarding the accomplishment of their desires, that though they agreed to almost double the sum * that was at first proposed on the

this form; That the house had an inclination and willingness to give his majesty satisfaction. But this answer was found so weak and brittle by the upper house, as not implying any determination or resolution of theirs, as that they were put to another deliberation upon the same: whereupon there grew such a contestation and division in their house, as they were there till two of the clock in the afternoon, without being able to come to an agreement and resolution among themselves about the same. And howsoever they shall open themselves in this generality, they seem to be resolved not to proceed otherwise with the king, in the granting of his demands (at the least of the supply) but by way of contract, and upon good assurance of retribution. So that you may judge, if there hath been so much difficulty found in the manner of the propounding, how much there is like to follow in the debating and reconciling of the matter, which is of so high a nature, and of so great consequence, both to the king and to the state. And yet it is generally expected, that without doubt there will follow some great and happy conclusion both for the one and the other, before the dissolution of the parliament. *Winwood's Memorials*, vol. III. p. 124, *& seq.*

* The parliament was urged to this by the king's borrowing another 100,000 l. of the city. This set up a kind of opposition between the trading and landed interest of the nation; and the supplying thus the

terms of making some additions to their first demands. While they were in the midst of the proceedings, a prorogation declared the effect of the precipitate grant *. The additions now desired by the Commons were, That in case of outlawries and attainders, the debts of the delinquents should be first paid; that it might be lawful to arrest the king's servants without leave, and that no man should be inforced to lend money to the king, or give a reason why he would not; that in cases criminal, the party accused might bring in witnesses to clear himself; to repeal a clause of a statute of 34 Hen. VIII. whereby the king had power to make arbitrary laws over the Welshmen †. The first and the last of these

Ann. 1610. Prorogation of the parliament.

the wants of the crown made the attainment of the desired concessions more doubtful. The demands of the king arose to the immoderate sum of 300,000 l. a-year.

* The Commons, this sessions, had passed a bill abolishing impositions; and in the preceding one, they had passed one against the establishment of any ecclesiastical canons, without consent of parliament. The Lords, as usual, opposed themselves to these limitations on prerogative, and rejected both the bills.

† The terms demanded of the king, without these additions, were, First, that the court of wards be dissolved, together with the dependencies: 2 Item, that the purveyance be quite taken away; and, to that end, that the authority of the green cloth be put down: 3 Item, that the informers be put down: 4 Item, that his majesty shall claim no old debts: 5 Item, that he shall claim to no lands which have been sixty years out of his possession: 6 Item, that, contrary to the present use, all his majesty's patents be strictly interpreted against the king, and favourable for the subject: 7 Item, that lessees be not turned out of possession for non-payment: 8 Item, that the subject may be permitted to plead a general plea against his majesty: 9 Item, no man to be troubled for land on defective titles, on pretence that the patent is void, or for assart lands, and such like: 10 Item, no man to be

Ann. 1610. additions were granted; but to the ſecond, namely, that no man ſhould be inforced to lend money, nor to give a reaſon why he would not, the anſwer returned was, " That becauſe the Commons brought precedents from ancient times to ſtrengthen their demands, he allowed not of any precedents drawn from the times of uſurping or decaying princes, or of people too bold and too wanton; that he deſired not to govern in that commonwealth where ſubjects ſhould be aſſured of all things, and hope for nothing: it was one thing *ſubmittere principatum legibus*, and another thing *ſubmittere principatum ſubditis*; that he would not leave to poſterity ſuch a mark

Winwood, vol. III. p. 193.

queſtioned for land gained by the ſea, be it ancient or new: 11 Item, no man to be queſtioned for old debts.

That on this contract the king be petitioned, that the four Engliſh counties may have a trial by law concerning their inheritance to the common laws of this realm, and ſo to be exempted from the juriſdiction of the preſident and council of Wales. II. That the king be bound upon demurrers to expreſs the cauſe of demurrer for form, as the ſubject is by the ſtatute 27 Eliz. III. That the king grant out commiſſions to declare the juſt and due fees of all the courts and officers in this realm, ſo far forth as they are to be paid by the ſubject, and they to be reduced into a book and printed. IV. That he appoint ſome to make a diligent ſurvey of all the penal ſtatutes of this realm, to the end that ſuch as are obſolete or unprofitable may be repealed; all ſuch as are profitable concerning one matter may be reduced into one ſtatute, to be paſſed in parliament. V. The Lords to join in petition to his majeſty for recompence to be made by his majeſty to all ſuch officers of courts as are damnified by this contract in point of tenures. VI. His majeſty to be likewſe petitioned that he will be pleaſed not to grant protections contrary to law. That the extent of every article that is decreed for the good of the Commons in this great contract with his majeſty, ſhould be expounded and explained in all caſes doubtful by the houſe of Commons, according to their true meaning. *Parliam. Hiſt.* vol. V. p. 252, *& ſeq.*

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of weakneſs upon his reign, and therefore his concluſion was, *non placet petitio, non placet exemplum* *." Ann. 1610.

Re-meeting of the parliament.

THE parliament was ſuffered to meet again on the 16th of October, three months after the prorogation, their laſt bounty having been already diſſipated. Both houſes ſeemed more determined than ever to reſtrain the prerogative; the Lords, ſtimulated by the recent example of prodigality, and the mortifying addition of its enriching the Scotch nobility, heartily joined with the Commons in this laudable intention. The parliament continued ſo determined, that the king, who now entertained projects of ſupplying the exchequer without their aſſiſtance, after another prorogation, ſuddenly diſſolved them †. But before he had taken this deſperate ſtep, he ſent for thirty members of the houſe of Commons, and aſked them, " Whether they thought

Diſſolution of the parliament.

* Saliſbury, who delivered this anſwer, at the ſame time informed the Commons of a conceit of the king's: That nine ſcore thouſand pounds, to which ſum they roſe upon their firſt offer, he could not accept, becauſe nine was the number of the poets, who were always beggars; eleven was the number of the apoſtles when Judas was away, and therefore might beſt be affected by his majeſty; but there was a mean number, which might accord to both, and that was ten, a ſacred number, for ſo many were God's commandments, which tend to virtue and edification. *Winwood's Memorials*, vol. III. p. 193.

† I find by an anſwer of the king's to ſome complaints which had been preſented to him, that the Commons had numbered proclamations in their liſt of grievances: He promiſes, in this anſwer, a reformation in the point of proclamations. Public regulations, ſuch as the peace of the borders, the ſafety of the ſea, and others of this nature, had been all ſettled by proclamations; and James had affected to give them the force of acts of parliament. *Parliam. Hiſt.* vol. V. p. 250.

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Ann. 1610. Winwood's Memorials, vol. III. p. 235.

that he was in want?" Sir Henry Neville, from whom the anſwer was expected, firmly returned, "He believed that he was." "Then, ſaid the king, tell me, whether it belongeth to you that are my ſubjects to relieve me or not?" To this Sir Henry made this honeſt anſwer, "Where your expences grow by the commonwealth we are, otherwiſe not." He then put the king in mind of the large ſupplies he had received, without relief of grievances: And on being preſſed to tell what they were, he began to enumerate them ſo frankly, that one of the members took up the ſpeech, fearing that Sir Henry's integrity would endanger his perſon. The ſudden diſſolution of the parliament was not the only ſymptom, at this period, that James had ſhewn of an intention to attempt abſolute power. Cowel, a civilian, and Blackwood, a clergyman, had wrote two books ſubverſive of the Engliſh conſtitution. One attempted to prove, that the king was not bound to call parliaments, or to obtain their conſent to raiſe ſubſidies; the other, that the Engliſh were all ſlaves from the Norman conqueſt. Theſe books James had not only licenſed, but had had the indiſcretion to praiſe the former publicly, with many encomiums on the civil law, in preference to the common law. Both Cowel and Blackwood eſcaped the reſentment of parliament; not that the offence paſſed unnoticed, but it was dropped in the throng of their buſineſs, on the king's publiſhing a proclamation to recal the licenſe of the books. In a ſpeech to a committee of the houſe concerning theſe books, he compared the ſovereignty of princes to the power of the Deity; but concluded with this ſalvo, that however the ſovereignty of kings was abſolute in general, yet in particular

Parliam. Hiſt. vol. V. p. 221. et ſeq.

lar the kings of England were reſtrained by their oath, and the privileges of the people *. Ann. 1610.

Affairs of the continent.

In ſpite of James's extreme paſſion for peace, he had been obliged to take part in the feuds upon the continent. The emperor had ſeized upon the poſſeſſions of the duke of Cleves, who was lately dead; the heirs implored the aſſiſtance of the proteſtant powers. If the houſe of Auſtria had ſucceeded in their attempts upon Cleves and Juliers, the States muſt in all probability have fallen again under the ſubjection of that power who would have hemmed them in on all ſides. The Engliſh miniſtry were ſo ſenſible of this, that they offered to the princes claimant an aſſiſtance of money, or of four thouſand men, that were then in the pay of the States General †.

* This extraordinary ſpeech is only preſerved in Wilſon: "The king's heart, he tells them, is in the hand of the Lord, who can create and deſtroy, make and unmake; ſo kings can give life and death, judge all, and be judged by none. They can exalt low things, and abaſe high things, making the ſubjects like men at cheſs, a pawn to take a biſhop or a knight. But that all kings, who are not tyrants, or perjured, will bind themſelves within the limits of their laws; and that thoſe who perſuade them to the contrary are vipers and peſts, both againſt them and the commonwealth. Yet, as it is blaſphemy to diſpute what God may do, ſo it is ſedition in ſubjects to diſpute what kings may do, in the height of their power. *Wilſon*, p. 46.

Some have ſuppoſed this ſpeech to be made on purpoſe to heighten the ridicule on the character of the author; but hints of ſuch a ſpeech are mentioned in Winwood's Memorials, and it carries too ſtrongly the marks of the royal orator to bear ſuch a ſuppoſition. Vol. III. p. 136, 141.

† The princes claimant were, the elector of Brandenburgh, the duke of Newburgh, and the duke of Deuxponts. The powers that oppoſed the Auſtrian intereſt reduced the number of the competitors to

Ann. 16.0. THE king of France was making great preparations * for the ſame purpoſe, when he was prevented by death, not without ſome ſuſpicions of its having been procured by Spaniſh machinations. Ravillac, the aſſaſſin, was a poor enthuſiaſtical friar, whoſe zeal for popery had been worked up to a pitch of deſperate madneſs. The Auſtrian family were always zealous defenders of that faith. Henry was eſteemed an heretic in his heart, and was now entered into a proteſtant league to leſſen the power of catholic princes. The court of France was ſo far from purſuing his intended plan, that it intimated an intention of not engaging in the German war at all. The allies were obliged to have recourſe to James as their head, who entered into a league with

to the elector of Brandenburgh and the duke of Newburgh, whoſe claims were beſt founded. The proteſtant princes of Germany were in alliance with James, and termed themſelves the Evangelical League to ſupport the proteſtant intereſt againſt the intrigues of the courts of Spain, Vienna, and Rome.

* Theſe preparations, as Sully pretends, were deſigned to execute a ſcheme which Henry had been projecting for ſome years. If there is truth in Sully's detail of it, it was one of the moſt romantic undertakings that knight-errantry ever ſuggeſted; the plan being no leſs vaſt, than to ſubdue the houſe of Auſtria, enlarge the bounds of the territory which the Chriſtians poſſeſſed, and afterwards to make ſuch a diviſion of it as ſhould eaſily preſerve an exact equilibrium between its powers; this to be performed by a general league, when Henry had demonſtrated to all the Chriſtian potentates the utility of his deſign. The difficulty, and even the impoſſibility, of bringing ſuch a number of intereſted ſovereigns to an uniform inclination, as alſo the diſcord which would inevitably ariſe on all occaſions during the proſecution of the plan, is an invincible obſtacle, that muſt occur to every underſtanding. Many objections lie againſt every part of it; but theſe, with the whole of the ſcheme, would be too copious a work to be inſerted here.

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the princes for ſix years, on the ſame terms as had been agreed on when France was in the alliance. Ann. 1610.

THE reſolutions of the French court changed ſuddenly. They ſent a detachment of eight thouſand foot, twelve hundred horſe, and eight pieces of cannon, to the prince of Orange; who at this time had almoſt taken Juliers: it ſurrendered ſoon after. The loſs of ſo important a place obliged the emperor to lay aſide his deſigns upon this territory.

THE Jeſuits, whoſe avowed principles * ſubjected them to the odium of all dark tranſactions, from the terror of the late aſſaſſination, became ſo formidable to James, that he readily complied with a requeſt of parliament to put in force the laws againſt papiſts; and an oath of allegiance was exacted from the ſubjects in general †.

THREE ſeparate courts, the king's, the queen's, and the prince of Wales's, diſplayed the prodigality and pomp of royalty. Expence, ſhew, and revelry, were the characteriſtic of each. Whilſt this triple ſcene of laviſh riot glared in the eye of the public, the courtiers had the aſſurance to condemn with inſolence the juſt frugality of parliamentary ſupplies, and with premature

* The Jeſuits have been generally reputed the authors of Henry's aſſaſſination. They were recalled to France by the authority of this prince, and contrary to the expreſs deſire of the parliament, who remonſtrated againſt regiſtering the edict for their re-eſtabliſhment.

† The Lords had paid the king the compliment of paſſing a bill in their houſe, which inflicted exquiſite tortures upon any that attempted his life. *Winwood's Memorials*, vol. III. p. 194.

Ann. 1610. triumph exulted in the diſſolution of that aſſembly. They boaſted that the king would find means by his power to ſupply his neceſſities, and thus emancipate his prerogative from thoſe derogatory reſtraints.

Affairs of Scotland.

WHILE James dreamed of enjoying an abſolute power in England, he actually exerciſed it in ſome meaſure at this time in Scotland. In conſequence of a former prohibition, he declared the aſſembly of the clergy unlawful, proſecuted ſome of the moſt forward members for treaſon, and obtained their condemnation *. Other members he ſent for up, and put † queries to, before his council, concerning the extent of his power. Not meeting with ſatisfactory anſwers, through the fear of the party, he made it a pretence to impriſon them; then availing himſelf of the terror of theſe proceedings, he

* This was effected by the intrigue and illegal management of the earl of Dunbar, who was ſent down to Scotland, as James's commiſſioner on this errand. He packed the jury, and, by the force of promiſes and threats, obtained a ſentence of condemnation from the judges. *Original Letters by Sir Dav. Dalrymple*, 1762, p. 1, *& ſeq.*

† Theſe are the queries: Firſt, "If it be lawful to pray publicly for perſons convicted by the lawful judge, as perſons being in diſtreſs, and afflicted. Second, Whether I may not, being a Chriſtian king, by my authority royal, convocate, prorogue, and deſert, for juſt and neceſſary cauſes, known to myſelf, any aſſemblies and meetings within my dominions. Third, Whether or not may I, by my authority, call and convene before me and my council, whatſoever perſon or perſons, civil and eccleſiaſtical, for whatſoever offences committed by them, in whatſoever place in my dominions; and if I may not take cognizance of the offence, and give ſentence therein? And farther, Whether or not are all my ſubjects, being cited to anſwer before me and my council, obliged to compear and acknowledge me or them for judges in theſe offences. *Guthrie*, vol. III. p. 684.

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erected a kind of high commiſſion court in Scotland, Ann. 1610. and ſent for the archbiſhop of Glaſgow, and two other Scotch prelates, to be conſecrated by Engliſh biſhops, that the epiſcopal virtue might be preſerved by ſucceſſion in Scotland; and ſuch was his preſent authority and influence in this country, that the general aſſembly was induced to ſubmit to their viſitation.

RICHARD BANCROFT, the great perſecutor of the puritans, died ſoon after. He had carried his violence ſuch a length, that the number of families which determined to ſeek refuge in Virginia were numerous enough to cauſe a jealouſy of their power in that colony, and were detained in England by a proclamation. The enormities of the high-commiſſion court, that grand ſphere of regal and eccleſiaſtical tyranny, were ſtrongly urged the laſt parliament *, and ſome conceſſions demanded. All the ſatisfaction which could be obtained, was a promiſe of a better regulation, though it was well known, that there could be little hope of amendment, while the power from whence the enormities flowed, continued unreſtrained. Bancroft was ſucceeded in the archbiſhopric by George Abbot, a prelate of ſo different a mould,

* A bill, that had been rejected by the Lords the two firſt ſeſſions of this parliament, again paſſed the lower houſe, and was read by the chancellor's appointment in the upper houſe. It was intitled, "An act for reſtraining the executions of canons eccleſiaſtical not confirmed by parliament." Bancroft adviſed the king to prevent ſuch a bill from coming to a vote; as the argument urged for it would call in queſtion the king's ſupremacy. To this, therefore, among other cauſes, may be attributed the ſudden diſſolution of the parliament. The prelate accompanied this advice with a ſubſidy extraordinary granted by the clergy. *Original Letters by Sir David Dalrymple*, p. 12.

Ann. 1610. that his mild and laudable management ſubjected him to the hatred of the high party, and the ſuſpicion of being tainted with puritanical principles.

JAMES, who idolized his imagined powers of controverſy, ſet a deſign this year on foot to erect a college for the improvement of that kind of learning; he gave towards it all the timber requiſite for the building, and obtained an act of parliament to enable the truſtees to dig a trench out of the river Lee, to erect water-works to ſupply the city of London with water. A brief was given in their favour to collect money from all the pariſhes in England. Large contributions were made by many of the clergy. James himſelf laid the firſt ſtone of the building, and Bancroft was zealous in the cauſe. Notwithſtanding theſe primary encouragements, it fell afterwards to nothing, through a jealouſy of the people, that it would prove a ſeminary ſubſervient to the purpoſes of the court; and, inſtead of improving and enlightning, vitiate the morals and darken the opinions of its pupils.

CHAP.

CHAP. IV.

Riſe of Somerſet.——Death of prince Henry.——Marriage of the princeſs Elizabeth.——Parliament.——Diſſolution of the parliament.——Fall of Somerſet.——Riſe of George Villiers.

OF the peculiar qualities and foibles which the character of James had diſplayed in various lights to his Engliſh ſubjects, one of the moſt ſtriking remained yet in obſcurity; but an incident, partly deſigned and partly accidental, exhibited an affection as violent as it was extraordinary. James, though of a very partial diſpoſition, had hitherto extended his favours almoſt equally to all that were connected with him, by an intimate attendance on his perſon, or in the way of buſineſs. Ann. 1611.

THE Scotch, who, from a long acquaintance, had a thorough knowledge of his failings, knew that he could not always reſtrain himſelf from enjoying the pleaſure of a favourite, and had often attempted to recommend one of their own nation. The Lord Hays at length ſucceeded: Robert Carr, a youth of a beautiful perſon and graceful air, by the means of this nobleman preſented the ſhield to the king at a tilting. In performing his office, his horſe ſtarted, and threw him; the fall broke his leg; extraordinary emotions of compaſſion ſeized the king; the lamed youth was, by his directions, carried into his own palace, attended conſtantly by his own phyſicians, and viſited often by himſelf during the Riſe of Robert Carr.

Ann. 1611. courſe of his confinement. From this beginning ſprung ſuch an ardent affection, and current of favour, that on his recovery he was made a knight, and gentleman of the bed-chamber. The treaſurer's ſtaff of Scotland, the title of viſcount Rocheſter, privy counſellor, and knight of the garter, followed in a quick ſucceſſion; and thro' this channel flowed all preferments.

Projects to raiſe money.

THE whole buſineſs of the miniſtry at this time was the forming projects to bring in requiſite ſums to ſupport the king's extravagance. A parcel of crown lands were ſet up to ſale, but met with no buyers, from the precarioufneſs of their tenure. The city of London was tried to no purpoſe for a further loan *. Then reſuming the crown lands laviſhly granted, pawning the jewels, ſeizing on various pretences the effects of foreign merchants, engroſſing the trade of certain commodities, the bringing in *quo warrantos* againſt corporations and

* The king's vain endeavours to get money by the way of loan, appears by the following letter from Mr. More to Sir Ralph Winwood.

" A few days ſince, thirteen of the beſt monied men of this city, to whom his majeſty is in debt, were ſent for to Whitehall; where my lord treaſurer told them, their intereſt ſhould be readily paid them; and prayed them to forbear their principal for a while longer, and withal to lend what more they could furniſh, upon good ſecurity. But they could not be induced to any further loan, nor very willingly to forbear that which is already out of their hands, any longer than needs they muſt. Since, ſome of the exchequer-officers have been dealing with divers citizens in particular, to lend upon private ſecurity, but their motions had very ſmall effects. Here is now 4000 l. more of crown lands ſet to ſale; but I ſee no undertakers ready to entertain the bargain upon ſo ſhort days payment as are required; ſo think my lord will be in ſome pain even to furniſh the expence of the approaching feaſt. *Winwood*, vol. III. p. 239.

companies,

companies, to oblige them to ſue forth the renewal of their writs, were all propoſed *; but they were rejected, as either incurring danger, or interfering with the intereſt of the favourites. The raiſing the farms of the revenue, ſelling the foreſt woods, a benevolence, monopolies, extorting money for knighthood, and the circulating the privy-ſeals all over England, for the ſum of 200,000 l. † were the only ones ventured on. Ann. 1612.

* Among the projectors for encreaſing the revenues of the crown without the aſſiſtance or concurrence of parliament, Sir Francis Bacon was the moſt forward. He ſeems to be certain of the infallibility of a ſcheme he had formed for this purpoſe, and tells James in a letter on the occaſion, " That if any of the particulars fail, it would be rather from want of workmanſhip of thoſe that ſhould deal in them, than want of materials in the things themſelves." *Cabala*, fol. 1663, p. 28.

† " The reſolution is now taken to ſend forth the privy-ſeals, and that in ſo great a number and meaſure as to draw 200,000 l. if they ſhall be accepted, whereof it is doubted ſome difficulty will be made. My lord treaſurer is to deal with this city, Middleſex, Hertfordſhire, and with the officers of the court of wards; and every judge with ſuch officers and principal pleaders as have relation unto them: Wales ſhall be exempted, but no ſhire of England. I ſend your lordſhip herewith a copy of the privy-ſeal. In the minute of his majeſty's letter to the lieutenants of the ſhires, I find theſe points to be obſerved: That his majeſty declareth never to have had more need than now; that though he cannot wholly forbear thoſe that lent the laſt loan, yet they ſhall not be charged with ſo much as before by a third part; that the nobility are not to be recherched, neither yet the clergy, who for their temporal livings ſhall be dealt with by their metropolitans, and as for their ſpiritual livings, they are much leſs than his majeſty could wiſh them." Mr. More to Sir Ralph Winwood. *Winwood*, vol. III. p. 301.

THE

Ann. 1612. THE Spaniſh match, that mine from whence the king expected to ſupply all his wants, and from the hope of which he had diſſolved the parliament, was now entirely at an end, the Engliſh ambaſſador having at this time received a direct refuſal of the promiſed alliance. This refuſal, which James little expected, was given with the inſulting addition of an offer of the youngeſt daughter on the ſame ſlippery foundation, which had ſo cruelly deceived his expectation. A double alliance between the courts of France and Spain, which was now thought of, and ſoon after concluded, obliged the Spaniard to diſcover the inſincerity of his intention.

NEITHER the pleaſures, the vexations, nor the buſineſs of his ſtation, prevented James from interfering in ſpeculative points, and expoſing his pedantry to all Europe. Four years before this he had wrote a treatiſe * againſt the pope's pretenſions of power over temporal princes, and had ordered his ambaſſadors to preſent it at their ſeveral courts †. This year Conradus Vorſtius, di-

* Cardinal Bellarmine, in an anſwer to this treatiſe, charges James with having wrote from Scotland a letter to pope Clement the Eighth, recommending the biſhop of Vaiſſon to a cardinal's cap, that he might manage his affairs at the court of Rome. James denied the fact, and the lord Balmerino, his ſecretary, had the compliance in a public trial to take it upon himſelf, and confeſs he had ſurreptitiouſly procured his hand to ſuch a letter. On theſe ſuperficial grounds James obtained from his ſubjects a degree of confidence which helped to introduce epiſcopacy in Scotland.

† This treatiſe was called "A Premonition to all Chriſtian Princes." Wooton, the ambaſſador at Venice, had ſome aſſurances, that if he preſented this book to that ſtate at his firſt audience, it would be very well

vinity profeſſor at Leyden, had publiſhed a book in Holland on Arminian principles, and contrary to the common received tenets of free-will and predeſtination. James was ſo inflamed at the hereſy *, that after having commented on the moſt offenſive paſſages in the book, he ſent an expreſs injunction to the States to diſcharge and puniſh that blaſphemous monſter, as he called him †. Ann. 1612.

well received, the republic of Venice being then at variance with the pope. Wooton had ſuch poſitive orders to preſent it on St. James's day, that he could not comply with the advice. Before St. James's day came, the difference was made up, and the anſwer that the ambaſſador received was, that the republic of Venice thanked the king of England for his good-will, but that they were now reconciled to the pope, and therefore were reſolved not to admit of any change in their religion, according to their agreement with the court of Rome. *Welwood's Memoirs*, 1700, p. 35, *& ſeq.*

We learn from Wilſon, that in the heat of the plague at London, the ceremony of James's coronation was performed on the day dedicated to St. James. *Wilſon*, p. 5.

* James's quarrel with Vorſtius was a perſonal one: he took offence at the ironical manner in which he is treated in a work of this author's. Barnevelt, the republican, patronized Vorſtius, and prince Maurice oppoſed him: this circumſtance perhaps encreaſed the monarch's warmth. Saliſbury expatiates on his maſter's zeal in theſe terms: "Almighty God (writes he) doth know the zeal which ſtirreth the king againſt that man (Vorſtius) ſo kindles in him upon every accident of diſcourſe, as we have all reaſon to bleſs God in making us ſubjects to a king, that, without mixture of glory or private deſign, taketh ſo much to heart the injury that is done to the Bleſſed Trinity. *Winwood*, vol. III. p. 316.

† James makes uſe of the following curious argument to the States for the propriety of their perſecuting Vorſtius on a matter of faith.

"Finalement, ſa majeſtie vous exhorte puiſque vous avez prix les armes pour la liberte de vos conſcience, et ayes tant pati par la continuation d'une guerre violente et ſanguinaire l'eſpace de quarante années pour la profeſſion de l'Evangile, eſtants venüe au deſſus de vos

Ann. 1612. The States paid ſo little regard to his opinion or commands, that Vorſtius was acquitted with honour, and continued in his profeſſorſhip. This drew from Winwood, James's ambaſſador at the Hague, ſo threatening a proteſt *, that it terrified his maſter, leſt it ſhould draw him into the inconveniences of a war, and ſo cooled his reſentment, that he made an excuſe to Sir Noel Carron, the States' ambaſſador, for the petulance of Winwood †, diſclaimed the intention of carrying the affair ſo high, and deſcended at laſt to offer to be contented with the removal of Vorſtius out of Leyden, though the States

miſeres, de ne permettre pas, que les diſciples d'Arminius fondent ſur l'exemple de vos actions, la mauvaiſe doctrine qu'ils trompetent au monde *de apaſtaſia ſanctorum.*" Sir Ralph Winwood's ſecond remonſtrance in the aſſembly of the States General concerning Vorſtius. *Winwood*, vol. III. p. 304, *& ſeq.*

* Sir Ralph Winwood's proteſtation in the aſſembly of the States General concerning Vorſtius, 9 Decem. 1611, O. S.

" De ces enormes indignitéz commiſes contre l'egliſe de Dieu, et ſa perſonne, en preferant la preſence de Vorſtius devant ſon amitie et alliance, le roy mon maitre ſe tient obliger de ſe repentyr ſi reparation n'en ſoit faicte, et ce au plutoſt; ce que ne peut pas etre que par la renvoy de Vorſtius. Par les manifeſtes qu'il faire imprimer et publier au monde, il ſera paroiſtre de qu'elle haine il deteſte les athieſmes et hereſies de Vorſtius, et tous ceux qui les maintiennent, favoriſent, et fomentent.

" C'eſt ma charge: Vous y penſera s'il vous plaiſt; et croyrez, que l'amitie et alliance du roy de la Grande Bretagne, et les atheiſmes et hereſies de Conradus Vorſtius ne ſont nullement compatible. Il depend de vos jugement d'en faire choix: l'enceinte des Provinces Unies ne pourront pas comprendre toutes deux. *Winwood*, vol. III. p. 310.

† James had ſome intention of writing to juſtify himſelf on this point, and to throw the whole blame of the proceeding on his ſervant Winwood. *Winwood*, vol. III. p. 332.

ſhould

ſhould entertain him at their own expence in any other town in their dominions. James had been ſo ſevere in his proteſtations againſt Vorſtius, that he had thrown out inſinuations that his crime deſerved the utmoſt rigor of ſecular puniſhment. Edward Wightman, and Bartholomew Legate, were actually burnt in England by his warrant, after having been convicted of erroneous doctrine, and canonically condemned by Neal biſhop of Coventry, and King biſhop of London *. Ann. 1612.

THIS year died Henry, prince of Wales, a youth of ſo forward a carriage, that he was thought to have become diſagreeable to his father, though he was naturally inclined to an indulgent fondneſs for his family, and had ſhewn great marks of parental affection for this ſon. The Engliſh, who were extremely fond of the prince of Wales, from ſome popular ſentiments he had highly declared, fancied they had received a great loſs in his premature death; but in all probability the crown was more affected in this reſpect than the people. A martial monarch is always dangerous to the liberties of a commonwealth. Henry much affected that reputation; and this, with other ſuperficial princely virtues, which draw on the eſteem of the injudicious populace, would have been great impediments to the enlarged plan of liberty which took place in the ſucceeding reign. The people were undoubtedly inclined to favour him from his avowed contrariety to his father, who at preſent had incurred ſo much popular Death of prince Henry.

* One of theſe unhappy people was lunatic at the time of his condemnation.

Ann. 1612. odium, as to be in the opinion of many of his ſubjects acceſſary to his ſon's death.

Marriage of the princeſs Elizabeth.

HENRY's deceaſe was followed by the marriage of the princeſs Elizabeth to the Elector Palatine. It was celebrated with the uſual parade of the court *. The only remarkable thing immediately attending it was the abſurd obſervation of that ſuperſtitious age: Elizabeth, during the courſe of the ceremony, was elated with a joy that burſt out into geſtures which bordered upon laughter; this was reckoned the foreboding of her future misfortunes; as if a natural cauſe for theſe expreſſions of gladneſs could not have been properly aſcribed to a virgin of fifteen, who was marrying a lover ſhe liked, and on the point of being miſtreſs of a court.

The fate of Arabella Stewart.

THE recent fate of Arabella Stewart was a very contrary one to that of her kinſwoman Elizabeth. James, to whom ſhe was couſin-germain, had ſeized on her poſſeſſions, and reduced her to a penſion. The unhappy maiden, tired of this dependant ſtate, and urged by youthful inclination, entered into an intrigue with Seymore, grandſon to the earl of Hertford, whom, notwithſtanding ſeveral reprimands from the high powers, ſhe privately married. Both the delinquents were ſeized on, but they made their eſcape, one on board of a French bark, the other on board of a Newcaſtle collier. The unhappy Arabella was re-taken, and conveyed

* The expence of the nuptials amounted to 50,000 l. This princeſs's portion was 40,000 l. to be paid in two years; her jointure was 10,000 l. a-year; and her pin-money 1500 l. *Rymer*, vol. XVI. p. 733.

to

to the Tower. The fatigue ſhe had undergone, the ſeverity of her treatment, and the keenneſs of her diſappointment, had ſo fatal an effect upon her tender conſtitution, that ſhe immediately loſt her ſenſes, and ſoon after her life. Her huſband did not venture to return to his country till after her death. The jealouſy which the nearneſs of Arabella's conſanguinity occaſioned to the crown, was the undoubted, nay the avowed, cauſe of her melancholy fate *. Ann. 1612.

THE reſentment which the Engliſhmen in general conceived againſt the preſent inſolence of the Scotch †, required ſome ſacrifice: The lord Sanquir, a Scotch peer, who was in no particular favour at court, and had been condemned for the murder of a fencing-maſter, was for this reaſon hanged, without heſitation.

AMONG the loſſes which James ſuſtained this year, the earl of Saliſbury's death was not the leaſt conſiderable. This miniſter was a careful ſervant, and, if the intereſt

* On the firſt news of the flight of this unhappy pair, letters had been diſpatched to the king and queen of France, and to the archduke, requiring them to deliver them up, if they ſhould land on their territories. The counteſs of Shrewſbury, who had given her aſſiſtance towards the match, was confined in the Tower; and the earl her huſband to his own houſe. Sir Francis Bacon diſplayed his genius in aggravating the ſuppoſed crimes of all that were concerned in this trivial matter.

† Many duels were fought between the individuals of the two nations. One of the Scotch court-domeſtics had offered a groſs affront to a bencher at Gray's-Inn. Another had beaten Philip Herbert, younger brother to the earl of Pembroke, who was rewarded with a peerage for his puſillanimity in not reſenting the affront.

of

Ann. 1612. of the crown is to be conſidered in contradiſtinction to that of the people, a faithful one; his abilities as a ſtateſman were not deſpicable; his qualities as a courtier were fawning and pernicious, but they are too common to that ſtation to be worthy any farther remark. He was ſucceeded in his miniſtry by the earl of Suffolk and the favorite Rocheſter, both men of mean capacities. The latter was ſoon after created earl of Somerſet, and enjoyed ſo much of James's affection, that he ſaid openly in his council, That he took more delight in Rocheſter's company than in any man's living.

Origin of baronets.

THE difficulty of raiſing money ſtill increaſing, a project which had been formed by Saliſbury was now carried into execution *. An hereditary rank, which ſhould take place after a baron's youngeſt ſon, and dignified by the title of Baronet, was purchaſed from the crown, at the price of a thouſand pounds †. An inferior order to them, with the title of Knights of Nova

* A commiſſion was given to Sir Julius Cæſar, Sir Thomas Parry, Sir Francis Bacon, Baron Sotherton, Sir George Cary, Sir George Moore, Sir Walter Cope, and others, to deviſe and project the beſt means to get money. *Winwood*, vol. III. p. 385, *& ſeq.*

At this time James made offer of a large parcel of plate, pawned to queen Elizabeth by the States General, in 1587, and belonging to the houſe of Burgundy, to be redeemed; threatening, that if it was not he would melt it down. *Winwood.*

† Each knight was to maintain thirty foot ſoldiers in Ireland for three years, at the rate of eight-pence a-day, and to pay the wages of one year, upon the paſſing the patent. The whole ſum that was raiſed upon theſe baronets was 1095l. as a compoſition for their maintaining the ſoldiers in Ulſter. *Baker's Chronicle*, 1679, p. 416. *Guthrie*, vol. iii. p. 704.

Scotia,

Scotia, at the price of three hundred pounds. The dig- Ann. 1613.
nities of baron, viſcount, and earl, were fixed reſpectively at ten, fifteen, and twenty thouſand pounds. The ſtar-chamber alſo took every pretext to condemn to exceſſive fines, for the king's uſe, thoſe that were cited before them.

IRELAND had, in this reign, been totally ſubjected to the juriſdiction of England. James granted to the city of London the liberty of planting a colony in Ulſter; and this year the civil government of the plantation was new regulated, and Londonderry and Colerain fortified. The abſurd cuſtom of duelling had been imported into this country from France; there it had taken its riſe and growth, under that romantic prince, Henry the Fourth: He had in ſome reſpect been the occaſion of the ignominious fate of the lord Sanquir, by aſking him, with an air that was conſtrued by the unhappy nobleman ſignificant, "Whether the fencing-maſter (whom he afterwards on this hint murdered, and who had put out his eye in a fencing-bout) was yet alive?"

FOUR able men were at this time at the head of the law: Sir Edward Coke, Sir Henry Hobart, Sir Francis Bacon, and Sir Henry Yelverton. This laſt had diſtinguiſhed himſelf very eminently in an oppoſition to the large grant that was given to the crown in the third ſeſſions of parliament. Sir Francis Bacon, on his entering into the office of ſolicitor-general, protected Prieſt and Wright, two duelliſts; he made a ſpeech in the ſtar-chamber on the occaſion, that was much admired; but the objects were of too mean condition to ſtrike an im-

portant

Ann. 1615. portant example. Theſe were not the only flagrant diſorders that had crept into the commonwealth: The exceſſive love of pleaſure that poſſeſſed the court infected all ranks of men; every night produced maſks, in which people of fortune engaged; idleneſs, expence, and pleaſure, took place of induſtry, frugality, ſimplicity, and learning. Nor was the evil partially extended: Spacious buildings were erected for exhibiting theatrical performances * to the multitude; and theſe ſhews, that carry in them a poiſon ſubverſive of the virtues on which the welfare of large ſocieties is founded, became the idols of the people.

The body of Mary queen of Scots removed.

THE filial piety of James, which had lain long dormant, now for the firſt time exerted itſelf to action. The body of Mary, queen of Scots, was removed at his expence from Peterborough to Weſtminſter, and a tomb with many pompous inſcriptions erected.

Spotſwood.

AMONG the regulations enacted this year in the councils of Scotland, the following one carries with it too much of the diſpoſition and turn of thinking of the monarch to be omitted. The counſellors, to keep their perſons and places in great reſpect were commanded to ride in the ſtreets, either with foot-clothes or in coaches, but never to be ſeen on foot.

* Theſe were deſtructive to the religious ſentiments, as well as the morals of the vulgar. A ſtatute was enacted in the third year of James's reign, for the preventing and avoiding of the great abuſe of the holy name of God in ſtage-plays, interludes, may-games, ſhews, and ſuch-like. *Vide Statutes at Large.*

THE

THE court, notwithſtanding the large ſums it had exacted on various pretences, was at length driven into the neceſſity of parliamentary reſources. A public lottery, the firſt of its kind in England, afforded a ſmall delay; but the invention of the miniſtry being drained as empty as the exchequer, a parliament was called for the fifth of April, 1614. It may be remembered that the laſt parliament had been a very refractory one: The preſent miniſtry flattered their maſter, from the boaſted management of elections, that a contrary ſpirit would certainly prevail in this. It was from ſuch aſſurances that James aſſented to the trial, and aſſumed ſo much as to demand contribution without bargain; and to declare he would rather loſe his life, than the honours and flowers of his crown *. The firſt buſineſs that the parliament entered on was the ſettlement of the ſucceſſion

Ann. 1613.

Parliament.

Ann. 1614.

* The following, which is the exordium to the ſpeech he made at the opening of the ſeſſions, is in too peculiar a ſtile to be omitted by an hiſtorian.

"It is the ſayeing of the wyſeſte king that evere was, that the harte of kings weare inſcrutable; but in the laſt parliament, I muſte calle to your remembrance the comparriſone I uſed, whearin I preſented myſelfe unto you as a mirrore, whearin you mighte cleerlye ſee the integretye of my purpos for our lengtheninge that parliamente for the generrall good and benefyte of the commonwelthe; but as I then ſayd of the nature of a mirrore, that it mighte be deffyled by the eyes of the behoulderes, ſo did ſome of the lowere houſe looke upon me with poluted eyes, and, as I may ſaye, deffyled my mirrore. I canne ſay no more nowe than I did then, but to offere you the ſame mirrore, to looke to, proteſtyng, as I ſhall anſwere it to Almyghty God, that my integretye is like the whitneſs of my roabe, my purety like the mettle of golde in my crowne, my firmneſs and clearneſs like the preſious ſtones I weare, and my affectyones naturalle, like the redneſs of my harte. *Parliam. Hiſt.* vol. V. p. 273.

M on

Ann. 1613. portant example. Theſe were not the only flagrant diſorders that had crept into the commonwealth: The exceſſive love of pleaſure that poſſeſſed the court infected all ranks of men; every night produced maſks, in which people of fortune engaged; idleneſs, expence, and pleaſure, took place of induſtry, frugality, ſimplicity, and learning. Nor was the evil partially extended: Spacious buildings were erected for exhibiting theatrical performances * to the multitude; and theſe ſhews, that carry in them a poiſon ſubverſive of the virtues on which the welfare of large ſocieties is founded, became the idols of the people.

The body of Mary queen of Scots removed.

THE filial piety of James, which had lain long dormant, now for the firſt time exerted itſelf to action. The body of Mary, queen of Scots, was removed at his expence from Peterborough to Weſtminſter, and a tomb with many pompous inſcriptions erected.

AMONG the regulations enacted this year in the councils of Scotland, the following one carries with it too much of the diſpoſition and turn of thinking of the monarch to be omitted. The counſellors, to keep their perſons and places in great reſpect were commanded to ride in the ſtreets, either with foot-clothes or in coaches, but never to be ſeen on foot.

Spotſwood.

* Theſe were deſtructive to the religious ſentiments, as well as the morals of the vulgar. A ſtatute was enacted in the third year of James's reign, for the preventing and avoiding of the great abuſe of the holy name of God in ſtage-plays, interludes, may-games, ſhews, and ſuch-like. *Vide Statutes at Large.*

THE

THE court, notwithſtanding the large ſums it had ex- Ann. 1613.
acted on various pretences, was at length driven into the neceſſity of parliamentary reſources. A public lottery, the firſt of its kind in England, afforded a ſmall delay; but the invention of the miniſtry being drained as empty as the exchequer, a parliament was called for the fifth Parliament.
of April, 1614. It may be remembered that the laſt Ann. 1614.
parliament had been a very refractory one: The preſent miniſtry flattered their maſter, from the boaſted management of elections, that a contrary ſpirit would certainly prevail in this. It was from ſuch aſſurances that James aſſented to the trial, and aſſumed ſo much as to demand contribution without bargain; and to declare he would rather loſe his life, than the honours and flowers of his crown *. The firſt buſineſs that the parliament entered on was the ſettlement of the ſucceſſion

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M on

Ann. 1614. on the iſſue of Elizabeth, in default of the male line *. After this both houſes were ſummoned into the royal preſence at the Banqueting-houſe at Whitehall; where

Parliam. Hiſt. the monarch, after ſome excuſes and proteſtations upon the abuſes of the government, recommended to them with earneſtneſs concord with the crown, and unanimity in the granting a ſupply †. Notwithſtanding the cautious endeavours of the miniſtry, it quickly appeared that the members were not of the proper ſtamp to ſerve the court purpoſes. The oppoſition carried a motion againſt the attorney-general's ſerving as a member of the houſe of Commons ‡. The courtiers exhauſted

* This ſettlement, which was in conſequence of a demand of the king, and the recognition-bill in the beginning of his reign, are two of the remarkable inſtances which ſhew that the hereditary ſucceſſion to the crown of England is not abſolute; and that ſuch a monarchical claim is founded on the neglect of aſſerting the right of aſſent, and not on any clearly proved principles in the conſtitution.

† The arguments he made uſe of for this purpoſe were as follow: "That as the laſte parliamente began with trouble and contenſhone, and ended ſo, ſo this maye begine with alacritye and love, and conclude ſo lykewiſe; whaer ſafty ſhall be abroade, and love at home, and all aſperſſiones and rumores of diſcontente betweene me and my people ſhall be taken awaye, and wee maye ſynge togethere, *Ecce! quam bonum & jucundum.* And when you ſhall retwrne to your contraye, you ſhall have prayſes, and be approoved in the choyſe made of you, that you have given contente to your king. *Parliam. Hiſt.* vol. V. p. 285.

‡ In the debates on this ſubject, Sir Roger Owen ſhewed, That no attorney-general was ever choſen; nor, anciently, any privy counſellor; nor any that took livery of the king. The precedent he quoted for this was in the ſeventh year of Richard II. when a knight banneret was rejected on this account. It was reſolved on the queſtion, that the attorney-general ſhould remain in the houſe for this parliament, but that he ſhould never ſerve for the future. James had condeſcended to ſolicit the houſe that the attorney-general might keep his ſeat this parliament.

their arguments for a ſpeedy ſupply; but it was determined that a redreſs of grievances ſhould precede it. Committees were appointed for preparing liſts of all the national complaints. The indulgence to the papiſts, and ſevere treatment of the non-conformiſts, were vehemently complained of. A bill was prepared for preventing taxes and impoſitions on merchants, and the debate on it proceeded with becoming warmth *. Certain patentees for monopolies were ordered to ſurrender their patents. Sir Thomas Parry, one of the creatures of the court, who had been the moſt buſy in managing elections, was expelled the houſe †. This was followed by an order for the officers of peace for London and Middleſex to bring in the letters they had received in favour of popiſh recuſants.

Ann. 1614.

In a renewed debate concerning impoſitions, Sir Henry Wootton, who had been employed as ambaſſador to Venice, and Winwood, the preſent ſecretary of ſtate, attempted to prove, that all hereditary princes had a right to impoſe taxes, though elective ones had not; and inſtanced the princes of Germany and Italy, with the kings

Journals, vol. I. p. 490. Debates.

* In a queſtion whether the king had a right of impoſing taxes, it was unanimouſly carried in the negative; notwithſtanding the corruption of the judges had given it againſt the people.

† Warm arguments were urged againſt this buſineſs of undertaking. Sir Roger Owen aſſerted, that it was one of the articles for depoſing Richard the Second.

The king had ſent to deſire that Sir Thomas's puniſhment might be left to him, with a promiſe that it ſhould be more ſevere than the Commons themſelves would inflict. This requeſt was not granted.

Ann. 1614. of France and Spain; particularly Henry the Fourth's raiſing 14,800,000l. by an impoſition on ſalt only. Theſe abſurd compariſons between princes, whoſe powers and prerogatives were different, according to the different limitations of their reſpective governments, were ridiculed by the houſe. Sir Roger Owen advanced, "That the impoſition laid by the French king was an uſurpation, and contrary to the fundamental laws of France; that the dukedoms of Florence and Milan were meer tyrannies." Sir Thomas Roe, "That if the kings of Spain had ſuch a power, they had received it from the cortes, or parliaments." Sir Edwyn Sands obſerved, "That the courtiers' arguments made againſt themſelves, ſince the French king had raiſed ſo immenſe a ſum on his ſubjects from ſuch an aſſumed power; that the kings of France, and the reſt of the impoſing princes, do alſo make laws, which in a ſhort time will bring all things to a tyrannical courſe and confuſion, both to prince and people: witneſs the death of the laſt great impoſing prince." In anſwer to the diſtinction between an elective and an hereditary prince, he maintained, "That all kings were originally elected, except ſuch as came in by the ſword; whom, for that reaſon, it was lawful to expel by the ſword, whenever the people had the power to do it *."

* Sir Edwyn Sands had expreſſed his reſentment of this uſurpation with great vigour and ſpirit, when the ſubject of impoſitions was firſt argued in the houſe.

"Some other princes, he ſaid, had impoſed, but never claimed, any right; now, the king had claimed it in open parliament: they upon four or five; this king upon ſo many hundreds: they but for a few months, and, at the prayer of the Commons in parliament, put down; here made perpetual by letters patent. That this liberty of impoſing

A demand was made for a conference with the Lords * Ann. 1614. concerning a remonſtrance againſt the king's impoſing taxes without the conſent of parliament; and the Commons diſplayed an admirable ſkill, aptneſs, and judgment, in drawing up the heads on which they were to proceed. The Lords ſhewed themſelves extremely jealous of ſo ſpirited an exertion, and refuſed their conſent to a conference. This brought on a complaint againſt Richard Neile †, biſhop of Lincoln, who, in an

impoſing trenches on the foundation of all our intereſts, maketh us bondmen, giveth us no propriety; the king may by the ſame reaſons make laws without parliaments. *Journals of Parliament*, vol. I. p. 472.

It appears by the Journals, that James, after obtaining the judgment of the Exchequer, had publiſhed certain ſettled arbitrary rates and impoſts upon goods, for himſelf and his heirs for ever. The Commons ſaid, that this was ſtrange, becauſe no proclamation bound longer than the king's life; that the judgment in the Exchequer was erroneous and unconſtitutional; and that the matter was above all judgment, but that of parliament. *Journals*, vol. I. p. 481, *& ſeq.*

* Sir Roger Owen, who was appointed to open the conference, was directed to make the following obſervation: That the king, in anſwer to the laſt petition of the Commons on this head, had referred them to the law of the land, and yet in the mean time proceeded to multiply impoſitions. *Journ. Houſe of Com.* vol. I. p. 481.

† The following is an anecdote that will ſerve to illuſtrate the character of this prelate.

Neile, biſhop of London, and Andrews, biſhop of Wincheſter, being at dinner with the king in public, James in this ſituation had the imprudence to propoſe aloud this queſtion, "Whether he might not take his ſubjects' money, without conſent of parliament?" The ſycophant Neile replied, "God forbid you ſhould not, for you are the breath of our noſtrils." Andrews declined anſwering, and ſaid, He was not ſkilled in parliamentary caſes. On the king's urging him, he replied pleaſantly, "I think your majeſty has an undoubted right

Ann. 1614. advice to the Lords not to agree with the requeſt of the Commons, had affirmed, the matter on which the conference was deſired ſtruck not only at the branch, but at the root of the prerogative; that it was contrary to the oaths of allegiance to confer on it; and that he doubted not but there would proceed ſome undutiful and ſeditious ſpeeches from the committees of that houſe, which it would be unfit for them to hear. Many expoſtulations paſſed between the two houſes on this ſubject *:

right to my brother Neile's money." *Life of Andrews, biſhop of Winchester.*

* In the debates of the lower houſe, it was propoſed to paſs a bill to ſeize his biſhopric for ſeven years towards a ſupply. Many members teſtified their concern that the king ſhould be beſet with ſuch paraſites; Mr. Alford was for carrying their complaint to the king; Sir Jerome Horſey ſaid, That they had had continual interruption all this parliament; that this bone amongſt the reſt was thrown in by a devil, if a biſhop might be a devil; he wiſhed a ſelect committee might be nominated to conſider of an immediate meſſage to the king. Sir Edwyn Sands juſtly obſerved, that to go immediately to the king, would wrong the liberties of the upper houſe. The Commons were determined by the judicious arguments urged by this member. It was ordered, on the queſtion, that there ſhould be a ceſſation of all buſineſs, but proceedings on the biſhop of Lincoln, till an anſwer ſhould come from the Lords concerning that matter. The next day the houſe received an admonitory letter from the king to deſiſt from their reſolution. They were on the point of coming to ſome ſevere reſolution againſt mis-informers, when Sir Thomas Lake, one of the ſecretaries of ſtate, diſcovered that the king had been ſhewn the order by the ſpeaker, who received a ſevere reprimand from the houſe, for his unparliamentary proceeding. The anger of the Commons againſt this offending prelate was heightened by James's meddling in the matter; and, though they received a ſoftening propoſal from the Lords, they adhered to their reſolution of obliging the biſhop to anſwer at the bar of the houſe of Commons. *Journals*, vol. I. p. 496, *& ſeq.*

The

The Commons refuſed to proceed on any buſineſs till they had received full ſatisfaction, which occaſioned an angry meſſage from the king, threatning to diſſolve them if they did not proceed on the buſineſs of ſupply *. Papers of arbitrary projects to govern without parliaments were every night flung about the ſtreets. Neither did theſe blind or open threats deter the Commons from keeping firm to their reſolution. The king finding that it was impoſſible to obtain a ſupply, without remitting ſome of his high pretenſions; and fearing for his creatures, ſhould the parliament continue to ſit, diſſolved them on the ſeventh of June, before one ſtatute was enacted. In this parliament the oppoſition had fallen very violently upon the new-created titles, on the lottery, on the admiſſion of papiſts to offices and honours, and on the many propoſals which had been made to marry the king's ſon to a popiſh princeſs. Neither did the increaſing growth of luxury, which had been too ſucceſsfully propagated by the example of the court, eſcape the cenſure of the patriot members: A bill againſt gold, ſilver, gilding, &c. was brought into the houſe, and received with approbation. It was pleaded that this ſumptuary law was conſonant to the ordinances of God and nature; that vain expence in apparel, and other kinds of ſhew, was the cauſe of the want of hoſpitality: and to convince the houſe of the enormous height this deſpicable vice had aroſe to in that centre of extravagance and folly, the court, an example was brought of a great courtier

Ann. 1614.

Diſſolution of the parliament.

Journals of Commons.

* On an enquiry into the king's neceſſities it was found, that he was already 1,200,000 l. in debt, and that upwards of 85,000 l. went yearly in penſions.

having

Ann. 1614. having expended eighteen pounds a-year upon ſhoe-ſtrings. James was ſo injudicious as to wreak his vengeance on the leading members; and ſeveral of them were thrown into priſon: Thomas Wentworth, afterwards earl of Strafford, was one of theſe ſufferers *. A benevolence was demanded in a very arbitrary manner; but it met with ſuch a firm ſpirit of oppoſition from all ranks of men, that it anſwered very indifferently the purpoſes of the court.

THE king of Denmark paid his brother-in-law another viſit, and diſſipation continued ſtrongly to prevail. Whilſt this monarch was in England, a court cabal began to threaten the fortune of the favourite Somerſet; a man who differed in no reſpect from the common herd, excepting in the degree of his vices, which had attained an enormous height from the pampering of a luxurious court. A viciouſneſs which had no balance from ſenſe, experience, or judgment, drove him into exceſſes that at length afforded his enemies a full opportunity to effect his ruin.

THE Lady Frances Howard, daughter to the earl of

* This member had expreſſed his diſapprobation of the meaſures of the court, in a manner improper and intemperate: he applied the two following verſes from the prophet Daniel to the late king of France and the king of England:

"Then ſhall ſtand up in his eſtate a raiſer of taxes in the glory of the kingdom; but within a few days he ſhall be deſtroyed, neither in anger nor in battle.

"And in his eſtate ſhall ſtand up a vile perſon, to whom they ſhall not give the honour of the kingdom, but he ſhall come in peaceably, and obtain the kingdom by flatteries. *Journals*, vol. I. p. 493.

Suffolk,

Suffolk, was one of the beauties of the court; though Ann. 1615. married while yet a child to the earl of Eſſex, ſhe now conceived a violent affection for the favourite. The charms of their perſons, the equality of their underſtandings, the ſameneſs of their vices, ſoon produced a reciprocal paſſion, which they indulged without reſerve. The earl of Eſſex was yet on his travels, but returned ſoon after the commerce began. He became one of Lady Frances's admirers, and preſſed for the poſſeſſion of his privileges. She, attached to the glittering fortune of her paramour, refuſed; not without hope, by the means of ſuch a conduct, to regain her freedom. Eſſex, inſtead of attaining the accompliſhment of his expected happineſs, found a coldneſs, oppoſition, and reſerve, which forbad all hopes of enjoyment. The two lovers began to conceive aſſurances of carrying their moſt ſanguine wiſhes into execution; and a proceſs was commenced by the counteſs againſt her huſband for inſufficiency. James, who condeſcended to be a party in all the intrigues of his favourites, intereſted himſelf ſo warmly in the affair, that a divorce was obtained on this plea *, though Abbot, archbiſhop of Canterbury,

* James was preſent at the trial, and urged many arguments to the archbiſhop in favour of the divorce. The good prelate, notwithſtanding the king's vehemence, diſſented from the judgment that was given. The earl of Southampton writes thus of it to Sir Ralph Winwood. "Of the nullity I ſee you have heard as much as I can write; by which you may diſcern the power of a king with judges: for of thoſe which are now for it, I knew ſome of them when I was in England were vehemently againſt it, as the biſhops of Ely * and Coventry †. For the buſineſs itſelf, I proteſt I ſhall be glad, if it may lawfully, that it may go forward; though of late I have been fearful of the conſequence, and have had my fears increaſed by the

* Neile.

† Andrews.

N laſt

Ann. 1615. State Trials.

had declared very ſtrongly againſt it. The divorce was followed by the marriage of Lady Frances and the viſcount; and kept with ſuch oſtentation by the court, that the city of London complimented them with an invitation to dinner. The bridegroom was made on this occaſion earl of Somerſet.

Overbury's murder.

Sir Thomas Overbury, a man of ſome abilities, that had devoted his talents to the fortune of Somerſet, had been the friend, the adviſer, and the manager of all his buſineſs, depending on the freedom and ſacredneſs of ſuch a connection, exclaimed ſtrongly to him againſt the folly and infamy of the match. Somerſet had the weakneſs to tell his miſtreſs; Overbury, from that hour, was doomed to deſtruction *, and, on the firſt pretence that offered, flung into priſon. In this ſtate, rage and deſpair drew from him ſome indiſcreet threatenings, which alarmed the fears of Somerſet. He was conſcious that Overbury was a formidable enemy, from the nature of the ſecrets he had been entruſted with. Self-preſervation concurred with reſentment; the murder of Overbury was determined and perpetrated. The means was an envenomed gliſter, but not till after his conſtitution had reſiſted poiſon adminiſtred to him in various kinds of food. The unwholeſome viands which

laſt letters which came to me; but howſoever, the manner of interpoſing gives me no cauſe of contentment." *State Trials*, vol. I. p. 226, & *ſeq.* *Winwood*, vol. III. p. 475.

* This unhappy victim had been the encourager of the amour whilſt it only carried the face of gallantry. He was not ſo ſqueamiſh as to be ſtartled at vice, though his ſenſe and experience made him reject folly.

had

had been given to this unhappy man ſhewed their effects ſtrongly upon his carcaſe: the excuſe given for his immediate burial, without inſpection, was the foulneſs of his body, which, it was alledged, proceeded from an intemperate life. And the earl of Northampton, uncle to the counteſs, who was privy to the murder, mentioned in a letter to this purpoſe, "That God was gracious in cutting off evil inſtruments before their time." Ann. 1615.

Winwood, the ſecretary, obtained the knowlege of this dark tranſaction from the apothecary's boy, whoſe ſhop had ſupplied the poiſon. The ſecret of Overbury's murder was now in the poſſeſſion of the cabal, who dealt it about ſo freely, that it became the topic of converſation in all companies. James began to waver in his affections; he had caſt a longing eye towards the captivating attractions of George Villiers; but, either aſhamed of his levity, or fond to an uncommon degree of diſſimulation, he affected a more than uſual regard to Somerſet. His real inclinations did not eſcape the penetration of Abbot, who preſſed the queen to recommend the favoured Villiers. She, out of hatred to Somerſet, at length complied, though unwillingly. The reaſon of her unwillingneſs exhibits a remarkable trait of James's character. "My lord, ſaid ſhe to the archbiſhop, you and the reſt of you know not what you do; I know your maſter better than you all; for if this young man be once brought in, the firſt perſon that he will plague muſt be you that labour for him; yea, I ſhall have my part alſo; the king will teach him to deſpiſe and hardly intreat us all, that he may ſeem to be Villiers's riſe.

Ann. 1619. Rushworth, p. 456, edit. 1721.

beholden to none but himself." James affected sagacity and design in his most trifling concerns, and insisted on the ceremony of the queen's recommending, that he might have to say, upon a complaint of the ill behaviour of his favourite, "It was long of yourself, for you were the party that commended him to me." The queen's compliance introduced Villiers into the household; he was made a gentleman of the bed-chamber, and declared favourite in form. Abbot took great pains to form the disposition of the youth to virtue: but the soil which James affected was too barren for such a production.

SOMERSET now perceived, notwithstanding his master's profound dissimulation, that his favour began to wain. He knew the inveteracy of his enemies, and was conscious of the advantages his crimes had given them. Tortured with the fears of guilt, and the precariousness of his situation, he solicited for a pardon, which he obtained in the fullest form. It was drawn up by Sir Robert Cotton, who copied the manner of a pardon granted by Henry the Eighth to Wolsey, with the following questionable clause: "That the king, out of his mere motion and especial favour, did pardon all and all manner of treasons, misprision of treasons, murders, felonies, and outrages whatsoever, by the said Robert, earl of Somerset, committed, or to be hereafter committed." This pardon, though signed by the king, was impeded from passing the offices, by the enemies of Somerset. James by this time had received strong intimations of the guilty secret, but still acted the part of dissimulation, and retired with his quondam favourite to Theobalds; either with

with design to avoid appearing in the prosecution, or to fly from the clamorous rumours of murder. From thence he went to Royston, where he continued to treat Somerset with all the appearances of friendship; and at the same time ordered Sir Edward Coke, lord chief justice, and Sir Francis Bacon, the attorney-general, to take upon themselves his prosecution. A warrant was actually served on him whilst James, who had an unseemly way of lolling his arms about his favourite's neck, was indulging himself in that posture. Somerset exclaimed against the outrage of arresting him in the king's presence; but James could not be prevailed on to remit it; and feigning an entire ignorance of the affair, cried, "Nay, man, if Coke sends for me I must go;" then, after the most affectionate farewel, as soon as he was carried off, he exclaimed, "Go, and the deel go with thee, for I will neere see thy face more." He told the lord chief justice, that Somerset and his wife had made him a pimp, to carry on their bawdry and murder; and therefore commanded him to examine the affair with strict scrutiny, and to spare no man whatsoever; adding, "God's curse be upon you and yours if you spare any of them, and God's curse be upon me and mine if I pardon any of them." Sir Jervis Ellis, lieutenant of the Tower, Franklin, the apothecary, and other delinquents, were apprehended. Ann. 1615.

WHATEVER was the nature of the secret, James's intimacy with Somerset had certainly produced an intercourse which gave him some uneasiness. The letters that Sir Francis Bacon wrote on the occasion of the prosecution proved that the criminal was, from this circumstance,

Ann. 1615. Cabala, p. 36. cumſtance, formidable enough to require management. "He approves of a charm to be infuſed into Somerſet's ear, but wiſhes it was more enlarged, and that the utmoſt favours ſhould be continued, on condition of his prudent demeanors." Somerſet continued ſo dogged and aſſured in his carriage, that there was thoughts of re-
Ibidem, p. 37. ſtoring him altogether to grace. Bacon, in another letter, diſſuades the king from ſuch an impolitic conduct, and adviſes certain hopes to be given to the criminal two or three days before the trial; "But all theſe hopes,
P. 54. continues he, of favour and mercy, are to be underſtood with this limitation; if he does not, by his contemptuous and inſolent carriage at the bar, make himſelf uncapable and unworthy of them." "That danger, returned James, is well to be foreſeen, leſt he, upon the one part, commit unpardonable errors, and I, on the other part, ſeem to puniſh him in the ſpirit of revenge."

Somerſet tried, AFTER theſe precautions had been uſed, and the criminal at length convinced that his life depended upon his prudent behaviour, the two principals were brought to their trial *. The counteſs pleaded

* Sir Antony Weldon relates an anecdote he had from Sir George More, lieutenant of the Tower. When he (More) came to tell Somerſet he muſt prepare for his trial on the morrow, he refuſed to appear, and ſaid, "The king durſt not bring him to it." On More's informing the king of theſe expreſſions, he burſt into tears, and intreated him to uſe his utmoſt ſkill, and ſooth the priſoner by whatever means into temper and ſubmiſſion.

The ſame author relates, that More, when Somerſet was brought to his trial, placed a ſervant on each ſide of him, with a cloak on their arms, giving a peremptory order, If Somerſet did any way fly out

guilty *, and Somerſet made a languid defence. They Ann. 1615. condemned, and pardoned both received ſentence of death, and continued a long time in priſon; but had afterwards a pardon, and enjoyed a penſion of four thouſand pounds a-year. In one of the letters which Somerſet wrote to James after he was remanded to the Tower, there is this obſcure paragraph: "I will ſay no farther, neither in that which Cabala, p. 222. your majeſty doubted my aptneſs to fall into, for my

out on the king, that they ſhould inſtantly hoodwink him with that cloak, take him by force from the bar, and carry him off.

One of the precautions which Bacon had recommended to James was, to be careful to chuſe a ſteward of judgment, that might be able to moderate the evidence, and cut off digreſſions; "For I may interrupt, adds he, but I cannot ſilence."

On the day of trial, when Somerſet was on the point of ſpeaking for himſelf, the lord high ſteward gave him the following caution: "My lord of Somerſet, ſaid he, hath behaved himſelf modeſtly in the hearing; and only this (before you ſpeak for yourſelf) by way of advice I will ſay unto you, in giving you two examples: Your wife, that yeſterday confeſſed the fact; and there is great hopes of the king's mercy, if you now mar not that which ſhe made. On the contrary, Byron, who, when the king of France uſed all the means he poſſibly could to bring him to the acknowledgment of his offence; which if he had done, there was no queſtion to be made of the king's grace. And I think there never was, nor is, a more gracious and merciful king than our maſter. But Byron ſtill perſiſting in the denial of the fact, you know his end. *Cabala*, p. 34. *State Trials*, vol. I. p. 258.

* At her arraignment appeared ſeveral letters that had paſſed between her and her agents; the purpoſe of which was the expected ſucceſs of ſome magical courſes which theſe people had undertaken, and this weak woman had depended on, for the ends of debilitating her huſband, and rendering her lover conſtant in his affection; ſeveral wax and brazen images moulded for theſe purpoſes were likewiſe expoſed. *State Trials*, vol. I.

cauſe

Ann. 1615. cauſe nor my confidence is not in that diſtreſs as to uſe that means of interceſſion." The union of this guilty couple, which had been accompliſhed by the violation of the moſt ſacred laws of ſociety, became, from their mutual diſtaſte, their ſevereſt puniſhment.

THESE following inſtruments of the murder, Sir Jervis Ellis, lieutenant of the Tower *, Mrs. Turner, Weſton, who had been appointed keeper to Overbury, and Franklin, the apothecary, were convicted and executed. Sir Thomas Monſon, a creature of Somerſet's, was accuſed as a party, and brought to his trial, but for private reaſons was remanded to priſon †. The earl of Northampton, uncle to the counteſs, had been privy to all the circumſtances of the murder, but died a little

* Sir William Wade was removed from the lieutenancy of the Tower immediately before Overbury's confinement, and this inſtrument of Somerſet's villainy ſubſtituted in his place.

† Sir Anthony Weldon tells the following ſtory on the ſubject of this remand. The king being at the game of maw, ſaid, "Tomorrow comes Tom Monſon to his trial." "Yea, ſaid the king's card-hold; where if he does not play his maſter-prize, your majeſty ſhall never truſt me." This ſo run in the king's mind, continues the author, as the next game he ſaid he was ſleepy, and would play out that ſet next night. The gentleman departed to his lodging; but was no ſooner gone but the king ſent for him: what communication they had I know not (yet it may be can more eaſily gueſs than any other) but it is moſt certain, next under God, that gentleman ſaved his life; for the king ſent a poſt preſently to London, to let the lord chief juſtice know he would ſee Monſon's examination and confeſſion, to ſee if it were worthy to touch his life for ſo ſmall a matter. Monſon was too wiſe to ſet any thing but fair in his confeſſion; what he would have ſtab'd with ſhould have been *(viva voce)* at his arraignment. *Weldon*, p. 103, *& ſeq.*

while after the perpetration of it *. He became, from the nearneſs of their connection, chief counſellor to Somerſet; he was made warden of the Cinque-ports, and, by his connivance, the importation of prieſts and jeſuits went on freely. Abott procured his diſgrace by producing a letter of his to cardinal Bellarmine, where he declares himſelf wholly devoted to the ſee of Rome. Ann. 1615.

CHAP. V.

Cautionary towns delivered.——Affairs of Scotland.——Affairs of Holland.——Sir Walter Raleigh's expedition,——And execution.

THE diſgrace and ruin of the old favourite removed all obſtruction to the riſing fortune of the new one. James, from his want of money, had hitherto been de-

* The following is the copy of a letter from the earl of Northampton to Sir Jervis Ellis, lieutenant of the Tower.

"Worthy Mr. Lieutenant, let me intreat you to call Lidcote and three or four of his friends, if ſo many come, to view the body, if they have not already done it; and ſo ſoon as it is viewed, without ſtaying the coming of a meſſenger from the court, in any caſe ſee it interred in the body of the chapel within the Tower, inſtantly.

"If they have viewed, then bury it by and by; for it is time, conſidering the humours of that damned crew, that only deſire means to move pity and raiſe ſcandals. Let no man's inſtance move you to make ſtay in any caſe; and bring me theſe letters when I next ſee you.

"Fail not a jot herein, as you love your friends; nor after Lidcote and his friends have viewed ſtay one minute, but let the prieſt be ready; and if Lidcote be not there ſend for him ſpeedily, pretending that the body will not tarry.

"In poſt haſte at twelve." *Winwood*, vol. III. p. 482.

Ann. 1615. prived of the pleaſure of enriching this minion; but the ſpoils of Somerſet afforded him that ſatisfaction *. The unrivalled Villiers now ſhone forth in all the gaudy plumage of royal favour. James found in the diſpoſition of the youth an unbounded levity, and a ductile licentiouſneſs, which promiſed as glorious a harveſt as vice and folly could deſire. It was imagined that the change of manners in Somerſet, from a trifling obſcene buffoonry to a gravity tinctured with ſadneſs, was one of the principal cauſes of James's inconſtancy, who now enjoyed a double felicity in the accompliſhment of his wiſhes, and the ceſſation of his fears. In the midſt of this triumph ſome croſſes ſtill thwarted him.

Coke's oppoſition.

LORD chief juſtice Coke, a man of a haughty temper, from ſome tranſactions that had happened during Somerſet's trial, was extremely diſpleaſed with the court; this diſpleaſure gave riſe to an integrity which had never yet appeared in his political conduct: He formed a ſtrong party among the lawyers, and attacked the uſurpations of the crown upon all occaſions. Part of the prerogative concerning commendams to livings was now diſputed in the Common Pleas; the judges were againſt the crown, and had even the ſpirit to diſregard a command from the king to ſtop proceedings. The command was delivered in a letter from the attorney-general, Sir Francis Bacon. The judges pronounced the command to be contrary to law, and as ſuch they were not to

* Theſe ſpoils amounted to the ſum of 200,000l. and an eſtate of 19,000l. a-year; an immenſe wealth, if eſtimated by the value of money in thoſe days.

obey,

obey, but proceed to judgment as bound by oath. This Ann. 1615.
rouſed James from his retreat at Royſton; he ſent a bluſtering reprimand to the judges, in which he highly aſſerted his prerogative, and treated their oath merely as a form deviſed by his predeceſſors, which, he ſaid, could never be meant as a weapon to wound royal power. The judges were convened into the ſtar-chamber, and James diſplayed his arbitrary pretenſions in a ſpecies of reaſoning peculiar to himſelf. Coke maintained the juſtneſs of the refuſal by the authority of two acts of parliament; and when Bacon officiouſly took up the cauſe of majeſty, he excepted againſt ſuch an interfering, as of an oppoſite nature to the office of attorney-general, who was to plead before the judges, not againſt them. The judges had not the courage longer to reſiſt; and, to the great diſſatisfaction of the chief juſtice, meanly ſubmitted the caſe to the judgment of the privy council, who determined it for the prerogative. An anſwer of Coke's in this debate is worthy of record. On James's raiſing his voice, and aſking the judges in a peremptory manner, "Whether if in a caſe depending before them, he conceived it to concern him in profit or power, and thereupon required to conſult with them, and a ſtay of proceedings, whether they ought not to ſtay them accordingly?" all but the lord chief juſtice aſſented to the demanded obligation; but he with dignity replied, "That when ſuch a caſe happened, he would do that which was fit for a judge to do." Mallet's Life of Bacon.

BACON, the greateſt preferment-ſeeker of the age, to the abuſe of his excellent talents, had fought aggrandiſement by the moſt contentemptible means. Ever the

Ann. 1615. tool of authority, from the creature of Somerſet he had become the creature of Villiers; blind and inſenſible to the ſuperiority of true dignity, he eagerly purſued, in the moſt diſgraceful manner *, that deceitful image of it which attracts the vulgar. From Villiers he had now the promiſe of ſucceeding the chancellor, who was in a Cabala, p. 29. viſible decline. In a letter to James, full of the moſt ſervile adulation, he begged this place, and aſſerted it was the intereſt of the king to give it him. He objected to Coke's popularity, and ſaid, "That ſuch men were no ſure mounters for his majeſty's ſaddle; to Hobart, becauſe he was no ſtateſman; and if he and Coke were placed at both ends of the council-board, the prerogative would be cramped between the two lawyers, who would generally agree in exalting law above power. For myſelf, ſays he, I can only preſent your majeſty with *gloria in obſequio*; when a direction is once given, it ſhall be purſued and performed, and your majeſty only troubled with the true care of a king, to think in chief what you would have done, not how."

In a quarrel between the judges and the chancellor, the juriſdiction of whoſe court was already extended to the detriment of the law, the chancellor was proſecuted

* In a letter to James he draws a lively picture of his ſervility. "How honeſtly ready I have been, moſt gracious ſovereign (writes he) to do your majeſty humble ſervice to the beſt of my power, in the commiſſion of union, and this laſt parliament for the bill of ſubſidy, both body and preamble, in the bill of attainders, in the matter of purveyance, in the eccleſiaſtical petitions, in the grievances, and the like; as I was ever careful, not without good ſucceſs, ſometimes to put forward that which was good, ſometimes to keep back that which was worſe." *Cabala.*

for

for having incurred a premunire * in entertaining a Ann. 1615. cauſe that had been adjudged in the court of Common Pleas. The proſecution was ſupported by Coke and the judges †. James was glad of an opportunity to weaken the authority of the courts of common law. On the ſearching of precedents there were found many examples of proceedings in Chancery after judgment in theſe courts: On this authority, James ſummoned the parties Sanderſon, 1656, p. 439, & ſeq. into the ſtar-chamber, where he harangued with his uſual flights of the power of kings, and obedience of ſubjects. "Kings, he ſaid, ſat in the throne of God, The king's ſpeech in the ſtar chamber. and from thence all judgment is derived." He compared the power of judgment in Chriſtian kings to that of Moſes, to whom all profound queſtions were left. He determined from thence that there is a conjunction between God and the king upward, and the king and the judges downward. "Encroach not upon the prerogative; deal not in difficult queſtions. That which concerns the myſtery of the king's power is not lawful to be diſputed, for that is to wade into the weakneſs of princes, and to take away the myſtical reverence that belongs to thoſe who ſit on the throne of God. It was an odious and inept ſpeech to ſay that a premunire lay againſt the court of Chancery; I mean not that the Chancery ſhould exceed its limits, but the king only is

* On the ſtatute of Henry IV. that the judgment given in the king's court ſhall not be examined in chancery, parliament, or elſewhere, until it be undone by attaint or error.

† Some time before this rupture, James, in a converſation with the lord chief juſtice Coke and the lord chancellor, had charged them to refer all diſputes to his private deciſion. *Letters from and to Sir Dudley Carleton*, 1758, p. 45.

to

Ann. 1615. to correct it, and none elſe." He commanded that no man hereafter ſhould preſume to ſhew a premunire againſt the court of Chancery. Then in the moſt hyperbolical ſtrains he praiſed the ſtar-chamber, and afterwards addreſſed himſelf to the whole auditory, and adviſed them "Not to preſume to meddle with things againſt the king's prerogative or honour; for if they did the judges will puniſh them; and in caſe the judges do not, he muſt puniſh both them and the judges. Plead not, continued he, upon puritanical ſtrains, that make all things popular, but keep you within the ancient limits *."

Sir Edward Coke was the ſufferer from this triumph of James, to whom he was perſonally odious. He was proſecuted with the utmoſt rancor on the following heads: Firſt, for having concealed a ſtatute due to the crown of twelve thouſand pounds from the lord chancellor Hatton, whoſe widow he had married; ſecondly, for having expreſſed himſelf upon the bench as if the common law was in danger of being overthrown, with inſinuations as if the king was its enemy; thirdly, for having behaved diſreſpectfully to the king in the caſe of commendams, and injurioufly to the lord chancellor in the affair of the premunire. Though the lord chief juſtice could not be legally convicted on any of theſe articles, yet, by the ſentence of the ſtar-chamber, he was brought upon his knees, deprived of his office *, and ordered to retire to a private life, there to review his law-works, to ſome paſſages of which James had objections.

* Bacon's advice to the king, in the buſineſs of the premunire, is one of the innumerable inſtances that this contemptible time-ſerver has given of the ſervility and corruptneſs of his heart. "This great and public affront, ſays he, not only to the reverend and well-deſerving perſon of your chancellor (and at a time when he was thought to lie on dying, which was barbarous) but to your high court of Chancery, which is the court of your abſolute power, may not (in my opinion) paſs lightly, nor end only in ſome formal atonement; but uſe is to be made thereof for the ſettling your authority, and ſtrengthening your prerogative, according to the true rules of monarchy." *Cabala*, p. 32.

having

Coke deprived of his office.

Many circumſtances in Coke's behaviour had concurred to draw upon him this unjuſt treatment. He was not only obnoxious to James from the oppoſition he had raiſed to the uſurpations of the crown; he had even ventured to offend the minion Villiers. Sir Nicholas Tufton had a patent place in the green-wax office in the King's Bench, which the favourite wanted to fill with one of his creatures. He obtained the ſurrender of the place from Sir Nicholas by the bribe of a peerage; but met with an obſtacle in Coke, who refuſed to admit a clerk of Villiers's nomination.

The recent triumph of the prerogative over law delighted the courtiers with the proſpect of an eſtabliſhed

* On Coke's being thus deprived of his office, Bacon, with whom he had been long at variance, wrote him an abuſive railing epiſtle, with the following exordium; "That he ſuppoſed this to be the time of his affliction, and therefore he took the ſeaſonable advantage to ſhew him his imperfections." The whole of this letter is wrote in a ſtile of fulſome cant that does as little credit to the genius of the author, as the malice which is in it does to the qualities of his heart. *Cabala*, p. 88, *& ſeq.*

tyranny:

Ann. 1615. tyranny: What could be more promiſing to the enemies of civil liberty than the increaſing juriſdiction of the Chancery, and the confirmed uſurpation of the ſtar-chamber?

Creation of a prince of Wales.

AN occaſion for an extraordinary expence and pageantry offered this year, in the creation of a prince of Wales. A profuſion of titles followed this ceremony. Villiers obtained that of viſcount, and at the end of the year was made earl of Buckingham. The great bar to that exceſs of pomp and pleaſure the court delighted to revel in, was the poverty of the exchequer; a malady to which the unmeaning prodigality of James continually ſubjected it. Neceſſity reduced the miniſtry to part with thoſe towns which had been pledged by the States to Elizabeth for the prodigious ſum of eight millions of florins. This was all due to the crown of England. They were reſtored this year for the ſum of two millions ſeven hundred and twenty-eight thouſand florins. Theſe towns were conſidered as keys to the Low Countries: the miniſtry of Elizabeth had taken advantage of the neceſſities of that brave people to make them dependant on the crown of England. The large ſum which theſe extorted depoſites were pledged for was a payment of the whole aſſiſtance of men and money they had received from Elizabeth; an aſſiſtance which all the obligations of virtue demanded to be a free gift.

Baker's Chronicle.

Cautionary towns delivered up.

So conſiderable a recruit enabled James to perform what he had long intended, a viſit to his native country; nor was it deferred by any other motive but his inability, from the want of money, to ſhine with an

Rapin. Burnet.

oſtentation worthy the dignity of the king of Britain. The Scotch were obliged to incur the expence of this chargeable gueſt. What made the proſpect of it very diſagreeable to them was a jealouſy leſt this viſit was intended with a deſign to effect invaſions on their eccleſiaſtical liberties. To quiet this jealouſy, James wrote a letter to the council, in which he aſſured them that his reſolution to viſit this kingdom did proceed of a longing he had to ſee the place of his breeding, a ſalmon-like inſtinct; and becauſe he knew that evil-diſpoſed people would diſperſe rumours as if he came to make alterations in the civil and eccleſiaſtical eſtate, he commanded proclamation to be made for certifying the ſubjects to the contrary. It was true that he deſired to do ſome good at his coming, and to have abuſes reformed both in the church and commonwealth; yet foreſeeing the impediments that his good intentions would meet with, and regarding the love of his people no leſs than their benefit, he would be loth to give them any diſcontent, and therefore willed all his good ſubjects to lay aſide their jealouſies, and accommodate themſelves in the beſt ſort they could for his reception, and the entertainment of the noblemen of England, who were to accompany him in this journey. Notwithſtanding theſe aſſurances, the order for employing ſome Engliſh carpenters to decorate the king's chapel at Edinburgh with the images of the apoſtles increaſed the jealouſy of the nation to ſuch a height, that James was intreated in an addreſs by their clergy to countermand the order. James ſo far aſſented as to ſtay the erecting the images, but withal ſignified to them in a letter full of expreſſions of anger and contempt, that he did not do it for the eaſe of their

Ann. 1615. Affairs of Scotland.

Spotſwood, 1677. p. 529.

Ann. 1615. Spotſwood, p. 530.

hearts, or for confirming them in their errors, but becauſe the decorations in that form could not be finiſhed at the appointed time. Notwithſtanding theſe heart-burnings, he was received with all the pomp that the Scotch government, which had been ſome time ſaving for the occaſion, could afford. He made uſe of his perſonal authority to get an act paſſed by the lords of the articles *, that whatſoever he ſhould determine in the external government of the church, with the advice of the archbiſhops, biſhops, and a competent number of the miniſtry, ſhould have the ſtrength of a law. This act, contrary to the nature and exiſtence of preſbytery, was even remonſtrated againſt by the Scotch prelacy, who knew the diſpoſition of the people, and feared that the total loſs of power would follow the premature exertion of it †. James had carried his point ſo far as to

* In a late publication of letters, &c. by Dr. Birch, there is a letter to Bacon from a gentleman who attended the king in this journey to Scotland, which hath this remarkable deſcription of the ſtate of the government of that country at this time of James's viſiting it.

" The king did perſonally and infallibly ſit amongſt them of the parliament every day, ſo that there fell not a word among them but his majeſty was of council with it.

" The whole aſſembly, after the wonted manner, was abſtracted into eight biſhops, eight lords, eight gentlemen knights of the ſhire, and eight lay burgeſſes for towns; and this epitome of the whole parliament did meet every day in one room, to treat and debate of the great affairs of the kingdom. There was exception taken againſt ſome of the lower houſe, which were returned by the country, being pointed at as men averſe in their appetites and humours to the buſineſs of parliament; who were depoſed of their attendance by the king's power, and others, better affected, by the king's election, placed in their room."

Spotſwood, p. 531.

† The biſhops, writes Spotſwood, interceding, did humbly intreat that the article might be better conſidered, for that in making of eccleſiaſtical

gain, with much management, a parliamentary conſent; but other difficulties were not to be ſurmounted. Ann. 1615.

THE miniſters aſſembled and drew up a petition againſt this innovation, and put the king in mind of the letter, in which he aſſured them, that his intended journey to Scotland was not to produce any alteration in the civil or eccleſiaſtical government of the kingdom. The proteſtation concludes thus: " Theſe and many other reaſons have moved us, in all reverence, by this our humble ſupplication, to entreat your highneſs and honourable eſtates, not to ſuffer the afore-named article, or any other prejudicial to our former liberties, to paſs at this time, to the grief of this poor church; that the univerſal hope of thouſands in this land, who rejoiced at your majeſty's happy arrival, be not turned into mourning; wherein, as we are earneſt ſupplicants to God to incline your majeſty's heart this way, as the moſt expedient for the honour of God, and weal of your ſubjects, ſo, if we ſhall be fruſtrated of this our reaſonable deſire, then do we in all humility (with that dutiful acknowledgment of our loyalty to your majeſty as becometh) proteſt, for ourſelves and all our brethren who ſhall adhere to this proteſtation, that as we are free of Spotſwood, p. 531, & ſeq.

cleſiaſtical laws the advice and conſent of preſbyters was alſo required. The king replying, " That he was not againſt the taking of miniſters their advice, and that a competent number of them ſhould be called to aſſiſt the biſhops; but to have matters ruled as they have been in your general aſſemblies, I will never agree: for the biſhops muſt rule the miniſters, and the king rule both, in matters indifferent, and not repugnant to the word of God." So the article paſſed in this form, That whatſoever, &c.

Ann. 1615. the ſame, ſo muſt we be forced rather to incur the cenſure of your majeſty's law, than to admit or obtemper any impoſition that ſhall not flow from the church orderly convened, others having power from the ſame." This petition and proteſtation was ſubſcribed but by one miniſter, in the name of the brethren and ſupplicants, but in a ſeparate paper each miniſter that was preſent at this aſſembly ſigned his name as a teſtimony of his concurrence. One Hewit, who from his preferment had a ſeat in the parliament-houſe, was the perſon pitched on to preſent the petition to the king. The archbiſhop of St. Andrew's, a zealous prelate, having heard of what was going forward, attempted in the king's anti-chamber to ſnatch the paper out of Hewit's hands. James was made acquainted with this tranſaction, and came into the anti-chamber, and enquired into the particulars of the buſtle: The archbiſhop anſwered, "That a number of miniſters having framed a proteſtation againſt the article of his majeſty's prerogative, had given it to the man whom he had made abbot to preſent, and that he had undertaken to do the ſame, for which he was taking him to taſk, it being an undutiful part, without ſignifying the matter to his ordinary, to take ſuch a buſineſs in hand."

ON this repreſentation of the matter, the poor prieſt, frighted with the terrible looks of the king and the archbiſhop, fell upon his knees, and with a viſible confuſion ſaid, "That he ſuppoſed the proteſtation would not have offended his majeſty, and that he had promiſed to preſent the ſame in parliament; but now that it

it appeared to him otherwiſe, he would no more meddle Ann. 1615.
therewith."

THE king, ſeeing by the two papers that a number had avowed this petition, ſuſpected that the innovating article would be proteſted againſt in full parliament, and commanded the regiſter to eraſe it as a thing unneceſſary, it giving no addition to his prerogative.

HE afterwards called together an aſſembly of the clergy, on whom he wanted to impoſe theſe four articles: That the euchariſt ſhould be received kneeling; that a private adminiſtration of it ſhould not be denied to ſick perſons; that Chriſtmas, Eaſter, Aſcenſion-day, and Whit-Sunday, ſhould be kept as holy-days; and that confirmation ſhould be ſolemnized by the biſhops' bleſſing.

JAMES to this aſſembly put on a very magiſterial air, and aſked them, why they had diſputed admitting that power which had been acknowledged by the lords of the articles. "It is a power innate, ſaid he, and a ſpecial prerogative, which we, that are Chriſtian kings, have, to order and diſpoſe of external things in the policy of the church; and, Sirs, for your approving or diſapproving, I will never regard it, unleſs you bring me a reaſon which I cannot anſwer."

THE miniſters very prudently waved this difficult taſk, and ſubmitted the king's demands to the opinion of the general aſſembly; and James found that they all muſt be ſubject to an after-judgment. Symſon, the miniſter

Ann. 1616. minister who drew up and signed the protestation against the article that had met with the assent of the Lords, was committed to prison; and Catherwood, who carried circular letters to the ministers to encourage them to adhere to it, was banished. The four articles of innovation which James would have imposed upon the clergy were rejected in the general assembly, that met immediately on his departure, but were adopted the year after *.

Four articles imposed on the Scots church.

* Before this assembly met, the bishops, who had acted more cautiously in these affairs than was suitable to the king's inclination, received the following letter from him:

" We were once fully resolved never in our time to have called any more assemblies here for ordering things concerning the policy of the church, by reason of the disgrace offered unto us in that late meeting of St. Andrew's, wherein our just and godly desires were not only neglected, but some of the articles concluded in that scornful manner, as we wish they had been refused with the rest: yet at this time we have suffered ourselves to be intreated by you our bishops for a new convocation, and have called you together, who are now convened for the self-same business which then was urged, hoping assuredly that you will have some better regard to our desires, and not permit the unruly and ignorant multitude after their wonted custom, to oversway the better and more judicious sort in evil, which we have gone about with much pains to have had amended in these assemblies; and for that purpose, according to God's ordinance, and the constant practice of all well-governed churches, we have placed you that are bishops and overseers of the rest in the chiefest rooms. You plead much, we perceive, to have things done by consent of ministers, and tell us often that what concerneth the church in general should be concluded by the advice of the whole; neither do we altogether dislike your opinion, for the greater is your consent the better are we contented. But we will not have you to think that matters proposed by us, of the nature whereof these article are, may not, without such a general consent, be enjoined by our authority.

Spotswood, p. 537, & seq.

" This were a mis-knowing of your places, and withal a disclaiming

JAMES returned from Scotland very much dissatisfied Ann. 1616. with the little compliance he had received from his

ing of that innate power which we have by our calling from God, whereby we have place to dispose of things external in the Church, as we shall think them to be convenient and profitable for advancing true religion among our subjects; wherefore let it be your care, by all manner of wise and discreet persuasions, to induce them to an obedient yielding to these things, as in duty both to God and us they are bound; and do not think we will be satisfied with delays, mitigations, and other we know not what shifts have been proposed, for we will not be content with any thing but a simple and direct acceptation of these articles, in the form sent by us unto you a long time past, considering both the lawfulness and undeniable convenience of them, for the better furtherence of piety and religion, the establishing whereof it had rather have become you to beg of us, than that we should have needed thus to urge the practice of them upon you.

" These matters indeed concern you of the ecclesiastical charge chiefly; neither would we have called noblemen, barons, and others of our good subjects, to the determination of them, but that we understand the offence of people have been so much objected, wherein you must bear with us to say, that no kingdom doth breed, or hath at this time more loving, dutiful, and obedient subjects, than we have in that our native kingdom of Scotland; and so, if any disposition hath appeared to the contrary in any of them, we hold the same to have proceeded from among you, albeit of all sorts of men ye are they that both of duty were bound, and by particular benefits obliged to have continued yourselves, and confirmed others, by sound doctrines and exemplary life, in a reverend obedience to our commandments. What and how many abuses were offered us by divers of the ministry there, before our happy coming to the crown of England, we can hardly forget, and yet like not much to remember; neither think we that any prince living should have kept himself from falling in utter dislike with the profession itself, considering the many provocations that were given unto us; but the love of God and his truth still upheld us, and will, by his grace, so do unto the end of our life. Our patience always in forgetting and forgiving of many faults

Ann. 1616. Scotch ſubjects, whom he imagined he had entirely gained by the profuſion of favours he had beſtowed on many of their nobility, and on his domeſtic ſervants of that nation. Though the Scotch, from the powerful influence of educational prejudices, were apt to entertain attachments contrary to reaſon and the good of ſociety; yet a ſpirit of religious faction, impoliticly at-

faults of that ſort, and conſtant maintaining of true religion againſt the adverſaries (by whoſe hateful practices we live in greater peril than you all, or any of you) ſhould have produced better effects among you than continual reſiſtance of our beſt purpoſes. We wiſh that we be no more provoked, nor the truth of God, which you teach and profeſs, any longer ſlandered by ſuch as, under the cloak of ſeeming holineſs, walk diſorderly amongſt you, ſhaking hands, as it were, and joining in this their diſobedience to magiſtracy, with the upholders of popery. In ſum, our hearty deſire is, that at this time you make the world ſee, by your proceedings, what a dutiful reſpect you bear to us your ſovereign prince, and natural king and lord; that as we in love and care are never wanting to you, ſo ye, in an humble ſubmiſſion to our ſo juſt demands, be not found inferior to others our ſubjects, in any of our kingdoms; and that the care and zeal of the good of God's church, and of the advancing of piety and truth, doth chiefly incite us to the following of theſe matters, God is our witneſs; the which, that it may be before your eyes, and that, according to your callings, you may ſtrive, in your particular places, and in this general meeting, to do thoſe things which may beſt ſerve to the promoting of the goſpel of Chriſt; even our prayers are earneſt to God for you, requiring you, in this and other things, to credit the bearer hereof, our ſervant and chaplain, the dean of Wincheſter, whom we have expreſly ſent thither, that he may bring unto us a certain relation of the particular carriages of all matters, and of the happy event of your meeting, which, by God's bleſſings (who is the God of order, peace, and truth) we do aſſuredly expect; unto whoſe gracious direction we commend you now and forever.

"Given at Theobalds, the 10th of July, 1616."

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tacked by James, gave riſe to jealouſies that baffled the Ann. 1616. power of theſe hereditary prepoſſeſſions.

THE earl of Tyrone, the chief of the popiſh party in Ireland, and a leader in all their rebellions, was protected and ſupported by the king of Spain. He had been pardoned by Elizabeth, and well received by James*.

* He was brought over into England by the lord Mountjoy in the firſt year of James's reign. Rory O Donell, his companion, was created earl of Tyrconnel, and himſelf treated with ſuch favour that a proclamation was iſſued, commanding all perſons to ſpeak reſpectfully of him, and carry themſelves civilly towards him. Theſe indulgencies did not prevent Tyrone and Tyrconnel from entering into new intrigues with the courts of Spain, Bruſſels, and Rome, which produced a conſpiracy in Ulſter for murdering the lord-lieutenant and the council, and extirpating the Engliſh from Ulſter. This conſpiracy was timely diſcovered, Tyrone and Tyrconnel fled, and were well received at the court of Bruſſels, obtained money from the court of Spain, and retired afterwards to Rome, where they were ſupported by the pope with large penſions.

On the occaſion of their flight, James publiſhed a proclamation with the following remarkable declarations: "That they had not their creations or poſſeſſions by any lineal or lawful deſcent, from anceſtors of blood or virtue, but were, for reaſons of ſtate, preferred before others of better quality and birth in their country; that they had not been moleſted on account of religion, nor was there any purpoſe of proceeding againſt them on that head, their condition being to think murder no fault, marriage of no uſe, nor any man valiant that does not glory in rapine and oppreſſion; and therefore it would be an unreaſonable thing to trouble them for religion before it could be perceived, by their converſation, that they had any; that in all matters of controverſy they had been favoured beyond their competitors, except in thoſe caſes wherein was plainly diſcerned that their only end was to have made themſelves by degrees more able to reſiſt lawful authority, when they ſhould return to their vomit again, by uſurping a power over other good ſubjects." *Rymer*, vol. XVI. p. 664.

Ann. 1616. In the year 1613, ſome freſh diſcontents that prevailed among the papiſts in Ireland gave ſuch hopes to the ambitious chief, that he undertook, with the aſſiſtance of his countrymen in the Spaniſh ſervice, to raiſe another rebellion. The marquis Spinola, eſteemed one of the beſt officers of the age, undertook to head the expedition. The deſign was diſcovered, and Tyrone's correſpondents taken and executed.

JAMES was at this time thoroughly convinced, from the whole conduct of Spain, that there was no hopes of attaining a family-alliance with that inveterate ſtate. The houſe of Bourbon was next in greatneſs to the houſe of Auſtria; and the Engliſh monarch diſdained to match his ſon with any family of leſs potency.

Wilſon, p 92. Lord Hays' embaſſy to the French court.

THE Lord Hays, under the guiſe of congratulating the French court on the king's marriage, was this year ſent into France with ſuch a propoſal; and James, who by his own affections eſtimated the importance of ſhow, decked his ambaſſador with a magnificence which ſurpaſſed every other ſpecies of extravagance that had yet appeared *.

* The following is a deſcription of the parade in which the ambaſſador rode to receive his firſt audience at the French court.

Six trumpeters and two marſhals (in tawney velvet liveries, completely ſuited, laced all over with gold, richly and cloſely laid) led the way; the ambaſſador, followed with a great train of pages and footmen, in the ſame rich livery; the ambaſſador's horſe was ſhod with ſilver ſhoes ſlightly tacked on; the prancing and curveting of the horſe diſperſed them among the mob; on theſe occaſions a farrier of the train, richly dreſſed, tacked on others in the ſame ſlight manner: theſe

THIS embaſſy gave an alarm to the Spaniſh court. They reiterated all their inſinuations to draw James again to their lure: Sir John Digby, his ambaſſador at Madrid, was flattered with aſſurances that his catholic majeſty would remove all impediments to the deſired match between the infanta and the prince of Wales; and that even in the point of religion a moderation ſhould be ſo ſtrictly adhered to, that no terms ſhould be demanded inconſiſtent with the reputation of James to grant. Stale as was this bait, it did not fail of an effect; James, inſtead of ſeizing the opportunity of revenging the inſults he had received from that court by a contemptuous refuſal, countermanded the orders he had given Hays to preſs the match with France. Ann. 1616.

THE States ſupported the elector of Brandenburgh, one of the princes claimant, in the poſſeſſion of the towns he held in the duchy of Cleves and Juliers, againſt the houſe of Newburgh and the elector of Saxony, two other claimants. The houſe of Newburgh was aſſiſted by the power of Spain, the elector of Saxony by the emperor. James had ſome pretence to interfere in this buſineſs, by the aſſiſtance he had given towards wreſting this territory out of the hands of the houſe of Auſtria. The States had agreed to give up the towns which their troops held in the name of the elector of Brandenburgh; but, when preſſed to a performance, they refuſed, on pretence of the rumour of a family-alliance between the crowns of Spain and England. An aviſo Ann. 1617.

theſe he took out of a large velvet bag, loaded for the occaſion. *Wilſon*, p. 93, *& ſeq.*

Ann. 1617. from Spain had given the States intelligence that the match had been there debated in the inquiſition, and judged proper, in regard it would avail for the introduction of popery into England. The States alledged, that the rights of the competitors not being yet ſettled, it would be unjuſt to deliver them into the hands of any one claimant, dangerous to put them into the hands of the king of Spain or the emperor; and that James, by the intended alliance, was alſo become a party ſuſpected.

Affairs of France.

A KIND of diſtraction had at this time prevailed in the civil government of France. All the princes of the blood were united in a ſtrong party againſt the power of the queen-mother, who was unſupported by any other partizans than two worthleſs Italians, the marquis d'Ancre and his wife. Theſe had ſo vaſt an influence over her weak mind, that, according to the abſurd ſuperſtition of that time, it was looked on to be the effect of enchantment; and the marchioneſs was afterwards tried and burned for witchcraft. James was extremely jealous of the connection between the crowns of France and Spain, and for this reaſon abetted the mal-contents. On the queen-mother's putting the prince of Conde under arreſt, Hays demanded the reaſon of the impriſonment; a pacification having been brought about by the mediation of his maſter. On receiving no ſatisfactory anſwer he returned to England.

SUNDAY was kept by all the ſectaries with a veneration that admitted of no kind of public amuſement. James, to ſhew a thorough contempt for ſuch opinions, licenſed

licenſed the uſe of all ſports on that day. A liberty like this was quite contrary to the cuſtom of that time, and as diſagreeable to many of the moderate church-party as to the ſectaries; the archbiſhop of Canterbury oppoſed it ſo ſtrongly as to forbid the king's order for that purpoſe to be read in the church at Croydon. James winked at this affront, but revenged it on the miniſters in lower offices, who were ſeverely treated by the high-commiſſion court for the like refuſal. Ann. 1617.

THE diſcord between the republican party in Holland, and that of the prince of Orange, ran very high. Barnevelt, the penſionary, was at the head of the former, and was ſupported by moſt of the men of property; the prince of Orange by the lower ſort. He did not find it difficult to perſuade a contemptible canaille that Barnevelt had entered into meaſures to betray the country to Spain; then, taking advantage of a jealouſy inſpired by his ſuggeſtions, having the command of the army, he marched into Utrecht, ſeized Barnevelt and Grotius, and ſent them to priſon; turned all the magiſtrates that were of the contrary faction out of their offices, filled up their places with the chiefs of his own party; and having thus ſecured votes, by the authority of the States General he erected an illegal court *, which condemned Grotius to perpetual impriſonment, and executed Barnevelt †. Thus early did an indiſcreet confidence threaten Affairs of Holland.

* This court had no legal juriſdiction over the United States; every province being a ſovereignty within itſelf.

† This great man at his condemnation and execution behaved with an undaunted ſpirit. On hearing his ſentence pronounced, which was loſs of life and confiſcation of goods, he made the following remark:

Ann 1617. the freedom of this infant ſtate; and thus early were its patriots ſacrificed to the ambitious views of the Orange family.

mark: "I have ſerved the Generality thirty-three years as advocate of Holland, and the town of Rotterdam ten years before, as penſionary; and for my fidelity and diligence deſerved better recompence. If you will have my blood, yet methinks you may ſpare my goods, without ruining, for my ſake, my wife and children." At this time, and at the moment of his execution, he diſplayed the ſame high mind that had ever marked his character: he prepared himſelf for the block in a manner, and with a precipitation that ſhewed an indignant haſte to loſe with life the memory of his ungrateful country. The following is a character of him drawn by a creature and ſervant of king James's, Sir Ralph Winwood, who had tranſacted the Engliſh affairs in Holland for the ſpace of ſome years: "I know Barnevelt well (writes he) and know that he hath great powers and abilities; and malice itſelf muſt confeſs, that never man hath done more faithful and powerful ſervice to his country than he." *Letters from and to Sir Dudley Carleton*, p. 193.

Moreri gives the following account and character of this patriot: "Barneveldt, ſe rendit celebre par ſon habilité dans les negociations et parles grands ſervices qu'il rendit a ſa republique, a l'etabliſſement de la quelle il avoit beaucoup contribué. Henry IV. roy de France, Eliſabeth reine d'Angleterre, et preſque toutes les autres puiſſances de l'Europe, faiſoient un extrême cas de ce grand homme, qui avoit paſſé par les ambaſſades les plus celebres, et parles charges les plus importantes. Ayant eté envoyé en qualité d'ambaſſadeur aupres de Henry IV. il detourna ce prince de faire la paix avec les Eſpagnols en 1598. On lui donna la gloire d'avoir degagé les places de la Brille, de Fleſſingue et de Rammekens des mains des Anglois, ce qui fut un coup tres avantageux pour eviter les effets de la haine et de la jalouſie de ſes ennemis, et ſurtout du prince d'Orange et de ſes partiſans. Il quitta ſa charge en 1608 mais ayant eté rappellé par tous les Etats d'Hollande, il tranquilliſa les affaires, adoucit les eſprits, et les ramena tous a un meme ſentiment. En 1609 il avoit fortement conſeillé la trêve qui ſe conclut pour douze ans, entre l'archiduc et les Etats; et depuis il empecha par ſes ſoins que ces derniers ne priſſent part

Ann. 1617. Synod of Dort.

THESE acts of violence extorted a conſent for the meeting of a general ſynod to ſettle the former religious diſputes. All the reformed churches ſent their deputies to this aſſembly. James, who had acted as a party in the whole affair, ſent his alſo *. The upſhot of the

part dans les troubles de Bohême. Maurice, prince d'Orange, qui ſouhaitoit que les Provinces Unies continuaſſent la guerre par ce quelle ſervoit a ſa fortune, en conçut du chagrin contre Barneveldt, et le fit eclater au ſujet d'Arminius et de Gomar miniſtres proteſtans, qui avoient des ſentimens differens ſur la predeſtination. Arminius ſe mit a la tête de ceux qu'on nomma Remontrans, & Gomar fut le chef des Contre-remontrans. Ces deux partis troublerent la tranquilité des Provinces Unies. Barneveldt ſe declara pour les premiers, qui ne demandoient que d'etre tolleres, et le prince d'Orange fut pour les autres, qui ne les vouloient pas ſouffrir. Le prince ſe trouvant le plus fort fit tenir en 1618 et 1619 le ſynode de Dordrecht, ou les Arminiens furent condamnez. Barneveldt ayant eté pris eut la tête tranchée a l'age de 72 ans, ſous pretexte d'avoir voulu livrer le pays aux Eſpagnols, quoi qu'il le niât conſtamment, et qu'en effet on n'en eut trouvé aucune preuve dans ſes papiers. Son crime etoit d'avoir refuſé d'entrer dans le complot, a la faveur du quel le prince Maurice vouloit a ce qu'on dit ſe rendre maitre des Pays Bas, et d'avoir defendu la liberté de ſa patrie avec trop de zele. Il fut executé le 13 jour de May, 1619." *Moreri*, vol. II. p. 78.

Thuanus gives the following teſtimony of him: "Que c'etoit un homme tres accredité par les charges qu'il avoit remplies, et par ſa grande experience dans les affaires." *Thuanus, edit. de la Haye*, 1740, p. 214.

* The following is a letter from Sir Dudley Carleton, reſident at the Hague, to ſecretary Nounton.

"Right Honourable,

"Your honour's letters of the laſt of Auguſt came to my hands by this bearer, William Dieſton, the fourth of this preſent, very opportunely to ſatisfy the prince of Orange, and ſuch of the States as reſted with great and earneſt deſire to know how his majeſty underſtood the apprehenſion of Barnevelt, with the reſt of their proceedings

Ann. 1617. buſineſs was a condemnation of the Arminian tenets; Vorſtius was deprived of the profeſſor's chair, and ſentenced to perpetual baniſhment *. George Carleton,

ings; wherein though they wanted before no comfort and encouragement I could give them in private, yet I thought it not fit, in preſence of their public deputies, to prejudge what ſhould come from his majeſty.

" To the ſame deputies (who, upon my deſire to ſpeak with them, came unto me by order of the States) I delivered of the ſame day of the receipt of your honour's letters, what I had in commandment from his majeſty in approbation of their doings; and did let fall unto them, by way of diſcourſe, upon what point in particular his majeſty, having yet ſeen no more than their ſhort declaration which was publiſhed in print, did ground his judgment; in that it was apparent to his majeſty, by that which was preſented to his own view in the demand of aſſiſtance to the national ſynod, the States requiring one thing and Barnevelt another, quite oppoſite to their deſign, that he ran a courſe by himſelf, contrary to the public ſervice; whereupon they, confeſſing to have the like advertiſements from Paris and Heydelburgh, laid hold immediately, as a fit crime to charge him with, amongſt others of like nature.

" I took the liberty hereupon to tell them, that though Barnevelt had continued in his wonted ſtate and authority, yet I had charge from his majeſty to have let him know how ſtrange his majeſty found this manner of proceeding in a man of his place; that thereby it might appear unto them his majeſty did not ſway with the time, but that he ſaw and condemned his fault, even in the heighth of his fortune.

" To the prince of Orange I uſed the ſame day the like diſcourſe; and added further theſe encouragements, which he might well take out of the conſtancy of his majeſty's favour, and the preſent condition of affairs; in both which he reſts ſo well ſatisfied, that by the help of the one he hopes, in ſhort time, to give perfection to the other." *Letters from and to Sir Dudley Carleton*, p. 240.

* This ſentence was paſſed upon him without his having been permitted to ſpeak for himſelf. Sir Dudley Carleton writes thus of this tranſaction: " I find there is a reſolution taken by the States not to cite

biſhop of Landaff, proteſted againſt the article in the Belgic creed that affirmed an equality in all the miniſters Ann. 1617.

cite Vorſtius to the ſynod, becauſe they much apprehend his entertaining that aſſembly with artificial interpretations and delays, and in the end deluding them with a counterfeit ſubmiſſion. But order is taken for the cenſuring his books in the ſynod, with intention afterwards (as they pretend) to proceed with his perſon by way of exile; for which I cannot undertake any thing, though it wants not my beſt endeavours, ſince Matheneſſe (who was one of his protectors) had the boldneſs to ſay, when this matter was laſt in queſtion with the States of Holland, that it was tyranny ſo to proceed with him." *Carleton's Letters*, p. 358.

The Engliſh deputies at the ſynod of Dort were zealous promoters of the proſcription of Vorſtius: The preſident of the ſynod having aſked them, " Whether they approved that Vorſtius ſhould be cited to appear in the aſſembly? and what the king of England's pleaſure was in that point?" they anſwered, " That they muſt conſult his ambaſſador, and that they thought it would look very ill to condemn a man without hearing him." They added, " That to avoid delays, Vorſtius ought not to be permitted to defend himſelf, or explain his blaſphemous propoſitions; and that he ought not to be anſwered any otherwiſe than by Yes or No, nor aſked any queſtion but whether he was ready to abjure." Afterwards, when the opinions were aſked concerning the ſentence to be paſſed upon Vorſtius, they declared him unworthy of the name and office of an orthodox profeſſor, deſired that his book *de Deo* ſhould be burnt, and read the decree which condemned that work to the flames in England. *Bayle's Dict.* 1738. vol. V. p. 514.

Moreri writes thus on this condemnation: " Au reſte les Remontrans ſe pleingnirent hautement du Synode, et publierent qu'on avoit procedé contr'eux d'une maniere contraire a l'equité; que l'on n'avoit admis au ſynode qu'un petit nombre des leurs; qu'on avoit refuſé les plus eclairez de leur parti; qu'on ne les avoit jamais ouï en corps, mais un a un comme des criminels, dont la ſentence etoit deja portée; qu'etant venus a Dordrecht ſous le ſauf-conduit qu'on leur avoit donnée, ils avoient eté mis aux arrets pendant 7 mois entiers, contre toute parole donnée, dé ſorte que le fils ne pouvoit pas voir le pere,

Ann: 1617. of God: but, however, James's influence, from the buſy part he had acted in the diſpute, was ſo great that his deputies, who were all of them dignitaries, were complimented with a preſent of two hundred pounds a-piece, a golden medal, and an acknowledgment of the excellency of the conſtitution of the church of England, with a regret that the conveniency of their own ſtate did not admit of the ſame ſyſtem of ſubordination *.

An event now offers, which, with all its variety of circumſtances, expoſes to the reader a ſubject for contempt, averſion, pity, and applauſe. The univerſal genius of the admired Sir Walter Raleigh had found, from his misfortunes, an opportunity to enlarge itſelf in the compleat review of paſt and diſtant time: under the oppreſſive circumſtance of a priſon, he had undertaken and executed the laborious plan of an univerſal hiſtory. But, great as were his abilities, great as were their improvements, he had not yet attained to that exquiſite judgment that diſtinguiſhes what is truly deſireable from

ou la ſoeur s'entretenir avec ſon frere; que le preſident Bogerman leur ennemi, declaré avoit diſpoſé les choſes uniquement pour les opprimer; que les ſecretaires du ſynode avoient eté choiſis parmi les adverſaires des Remontrans; que Heinſius les haiſſoït. Mais ils ſe recrierent ſur tout, ſur ce que la ſentence portée contr'eux les condamnoit a être privez de toutes les fonctions eccleſiaſtiques et academiques; et que quelques uns d'eux avoient meme eté exilez. *Moreri*, xviii. *ed. Amſt.* vol. III. p. 129.

A letter from Sir Dudley Carleton to Mr. John Hales ſhews that theſe complaints of the Remonſtrants were juſtly founded. *Carleton's Letters*, p. 321, *& ſeq.*

* This compliment was extraordinary, as it was oppoſite to the late confirmed article of their belief.

what

what is vulgarly eſteemed ſo; unſatisfied with eaſe, unſatisfied with fame, he ſtill affected courts and their diſgraceful dependencies. Though uſed with a barbarous indignity by his ſovereign, he ſeized on every opportunity to offer his ſervices. Much uſeful and ingenious advice he had given on many occaſions, particularly in regard to forming the mind of prince Henry; a ſickneſs of the queen's too procured him the means of ingratiating himſelf, by undertaking the reſtoration of her health, from the power of medicines of his own compoſing, the reſult of an unlimited knowledge. Theſe little arts, and the general applauſe of the nation, forced from James a further mitigation of his unjuſt treatment: The enjoyment of his lands was reſtored to him, and ſome indulgencies as to liberty. The conſiderable eſtate of Sherburn had been ſecured to his family by a former conveyance which Raleigh had made to his ſon: the omiſſion of a word in the deed of conveyance made a flaw in young Raleigh's title; this flaw reverted the forfeited lands to the crown; the rapacious Somerſet was informed of it, and begged it for himſelf. Raleigh's wife petitioned James on the occaſion: the anſwer that he returned was, "I mun ha the lands, I mun ha the lands for Car *." Ann. 1617. The life of Sir W. Raleigh by Dr. Birch, 1751. p. 65. Mallet.

* On this occaſion Somerſet was addreſſed in the following pathetic ſtrain by Sir Walter Raleigh.

"And for you, Sir, ſeeing your fair day is but in the dawn, mine drawn to the ſetting, your own virtues and the king's grace aſſuring of many fortunes, and much honour; I beſeech you begin not your firſt building upon the ruins of the innocent, and let not mine and their ſorrows attend your firſt plantation. I have ever been bound to your nation, as well for many other graces as for the true report of my trial to the king's majeſty; againſt whom had I been malignant, the

Ann. 1617. Raleigh's expedition.

THE late coolneſs between the courts of England and Spain had produced an opportunity for Raleigh, who now enjoyed full liberty, to offer a project that promiſed a recruit to his broken fortunes; and flattered the inſatiable avarice of the king. He had formerly made a voyage to Guiana, and, from his experience of the country, had entertained a belief that its bowels contained inexhauſtible riches. He had actually marked particular parts of the territory, in which he fancied were mines of gold. The plan of an expedition that promiſed mountains of wealth was received with eagerneſs by James, though at the ſame time he aſſured Sarmiento, the Spaniſh ambaſſador, that Raleigh ſhould be bound up by his commiſſion from all hoſtilities towards the ſubjects of Spain, and that if any were committed

hearing of my cauſe would not have changed enemies into friends, malice into compaſſion, and the minds of the greateſt number then preſent into the commiſeration of mine eſtate. It is not the nature of foul treaſon to beget ſuch fair paſſions; neither could it agree with the duty and love of faithful ſubjects (eſpecially of your nation) to bewail his overthrow that had conſpired againſt their moſt natural and liberal lord. I therefore truſt, that you will not be the firſt that ſhall kill us outright, cut down the tree with the fruit, and undergo the curſe of them that enter the fields of the fatherleſs; which, if it pleaſe you to know the truth, is far leſs in value than in fame: But that ſo worthy a gentleman as yourſelf will rather bind us to you (being ſix gentlemen, not baſe in birth and alliance) which have intereſt therein; and myſelf, with my uttermoſt thankfulneſs, will remain ready to obey your commandments." *Cabala*, p. 356.

James had been at length prevailed on to give to Sir Walter Raleigh's wife and ſon eight thouſand pounds for this eſtate of Sherburn. This eight thouſand pounds he calls in his declaration a competent ſatisfaction for all Sir Walter Raleigh's eſtates. *Raleigh's Life by Dr. Birch*, p. 64.

he

he ſhould be delivered up to the reſentment of his catholic majeſty. The commiſſion was made out on the twenty-ſixth of Auguſt: It contained no caution againſt attacking the Spaniards, and it would have been abſurd to ſuppoſe that the deſign could be accompliſhed without meeting with an oppoſition that would neceſſitate the infringement of ſuch a reſtraint. Ann. 1617.

RALEIGH ſet ſail on the fourteenth of Auguſt, 1618. His fleet conſiſted of fourteen ſhips, all fitted out by private perſons *. After a tedious voyage the adventurers reached the coaſt of Guiana; they had experienced the diſtreſſes of ſtorms, ſickneſs, and want of water. New obſtacles now oppoſed the acquiſition of the golden fleece: The river Oroonoko was found too ſhallow for the large ſhips to ſail up; a diviſion of the force was unavoidable; the ſmaller veſſels, with a detachment of three hundred men, were ſent in queſt of the mine, whilſt the chief commander, Raleigh, ſtaid behind with the larger ones, to receive, in caſe of an attack, the Spaniſh galleons, which were daily expected. The detachment was commanded by his ſon, and the pilottage was entruſted to his old friend Keymis, who had ſome knowledge of the coaſt. On their landing at the appointed place, they were briſkly attacked by the ſoldiers of a garriſoned town newly built by the Spaniards; they repulſed the enemy, took, plundered, and burnt their town; but not without the loſs of many of their men, and their Raleigh's Life by Dr. Birch.

* In this venture Raleigh hazarded the wrecks of his broken fortune, beſides an eſtate which his wife had complaiſantly given up to him for this purpoſe. *Raleigh's Life by Dr. Birch*, p. 72.

captain

Ann. 1617. captain the young Raleigh. Among the plunder were found papers that contained the whole of Raleigh's ſcheme: they had been ſent to Spain by Sarmiento, to whom James had had the weakneſs to communicate it. The knowledge of this particular ſo enraged the ſoldiers, that, refuſing to be conducted farther by Keymis, they returned to the place where lay their commander, without having attempted any mine. Raleigh, before the arrival of his forces, had heard the news of his accumulated misfortunes; misfortunes no leſs ſevere than, the death of his ſon, the blaſt of his hopes, and the danger of his life from the violence committed on the Spaniſh town. In vain did Keymis attempt an excuſe for the fatal miſadventure: Raleigh's chagrin was too great to allow any: Keymis, in deſpair, put an end to his life; and this encreaſed the perplexity of the unhappy adventurer, who loſt in Keymis an evidence to juſtify the integrity of his conduct. A mutiny amongſt the crew ſucceeded theſe diſorders: Some were for returning to England, ſome againſt it. The unfortunate Raleigh was of the former opinion; and combating the other, prevailed ſo far as to bring his remaining force home. James was ſoon made acquainted with all the circumſtances of the miſcarriage; and the artful Sarmiento did not fail to work upon his diſappointment by repreſenting, in lively colours, a war between the two nations, and an eternal breach of the marriage-contract. Inflamed and frightened by theſe inſinuations, James iſſued out a proclamation declaring an abhorrence of what had been tranſacted, and condemned the cauſe unheard. Notwithſtanding the proclamation, Raleigh landed at

Raleigh's return.

at Plymouth; and, after having ſurrendered himſelf, wrote a pathetic letter to James, in which he ſtated the caſe in a clear and juſt light *. But James was not to be Ann. 1617.

* The following is Raleigh's letter to James on this occaſion.

" May it pleaſe your moſt excellent majeſty;

" If in my journey outward-bound I had my men murdered at the iſland, and yet ſpared to take revenge; if I did diſcharge ſome Spaniſh barks taken, without ſpoil; if I did forbear all parts of the Spaniſh Indies, wherein I might have taken twenty of their towns on the ſea-coaſts, and did only follow the enterprize I undertook for Guiana, where, without any directions from me, a Spaniſh village was burnt, which was new ſet up within three miles of the mine; by your majeſty's favour, I find no reaſon why the Spaniſh ambaſſador ſhould complain of me.

" If it were lawful for the Spaniards to murder twenty-ſix Engliſhmen, tying them back to back, and then cutting their throats, when they had treated with them a whole month, and come to them on the land without ſo much as one ſword; and it may not be lawful for your majeſty's ſubjects, being charged firſt by them, to repel force by force; we may juſtly ſay, O miſerable Engliſh!

" If Parker and Mecham took Campechie and other places in Honduras, ſeated in the heart of the Spaniſh Indies, burnt towns, and killed the Spaniards, and had nothing ſaid to them at their return; and myſelf, who forbore to look into the Indies, becauſe I would not offend, muſt be accuſed; I may as juſtly ſay, O miſerable Raleigh!

" If I have ſpent my poor eſtate, loſt my ſon, ſuffered by ſickneſs, and otherways a world of hardſhips; if I have reſiſted, with manifeſt hazard of my life, the robberies and ſpoils with which my companions would have made me rich; if, when I was poor, I could have made myſelf rich; if, when I had gotten my liberty (which all men and nature itſelf do much prize) I voluntarily loſt it; if, when I was ſure of my life, I rendered it again; if I might elſewhere have ſold my ſhip and goods, and put five or ſix thouſand pounds in my purſe, and yet brought her into England; I beſeech your majeſty to believe, that all this I have done, becauſe it ſhould not be ſaid that your majeſty had

Ann. 1617. moved by conſiderations of juſtice or compaſſion; the fear of a rupture with Spain was his only actuating principle; and that power thought it of the utmoſt conſequence to get ſo material a point adjudged in its favour.

THE death of Raleigh was to be the cement of friendſhip between the two courts: how to compaſs it with the appearance of legality was the only remaining queſtion. It is thought that Sarmiento was the perſon who inſtigated the cutting him off upon his former ſentence, although the kind of underſtanding which James poſſeſſed might have furniſhed him with ſuch an invention. Raleigh had actually, before he ſet out on his expedition, an offer of the procurement of a pardon for the ſum of fifteen hundred pounds; but Bacon* had diſſuaded him from this ſalutary meaſure, by repeated aſſurances that the power given him by his commiſſion would be conſtrued, in the eye of the law, a

had given liberty and truſt to a man whoſe end was but the recovery of his liberty, and who had betrayed your majeſty's truſt.

"My mutineers told me, that if I returned for England I ſhould be undone; but I believed in your majeſty's goodneſs more than in all their arguments. Sure I am the firſt, that being free and able to enrich myſelf, yet hath embraced poverty and peril; and as ſure I am that my example ſhall make me the laſt. But your majeſty's wiſdom and goodneſs I have made my judges; who have ever been, and ſhall ever be,

Your majeſty's moſt humble vaſſal,

Walter Raleigh."

* Bacon in a letter to James urges the taking him off upon his ſentence for treaſon, as the only judicial way of proceeding againſt him. *Original Letters, &c. by Dr. Birch*, p. 182, 183.

ſufficient

ſufficient one. His preſent ſituation grew ſo intereſting and menacing, that he at length gave way to the repeated inſtances of his friends, and attempted his eſcape: but his heart failing him, even after he had got into the boat that was to convey him to a bark ſecured for the purpoſe, he re-ſurrendered himſelf. Then, after a conviction that his fate was already determined, in a fit of deſpair he applied to one Manourie, a quack, to aſſiſt him in a ſecond attempt: In order to effect it, Manourie gave him drugs that flung out upon the whole ſurface of his body innumerable blotches and boils; and Raleigh, to forward the ſucceſs of the plan, condeſcended to many unmanly meanneſſes. They ſo far prevailed, that, on account of his apparent ill ſtate of health, he was ſuffered to repair to his own houſe; but Manourie betrayed the ſecret to Stuekly, his inveterate keeper, who, though a near relation, had been ſent down to Plymouth by the court for the double purpoſe of inveigling him to land, and to guard him afterwards. Stuekly, in conſequence of private orders, ſeemed to encourage the deſign, and received a conſiderable ſum from Raleigh to forward it. The French ambaſſador alſo offered him the protection of his maſter, and a veſſel to carry him to France; theſe tranſactions were ſuffered by Steukly, and betrayed: the treacherous diſſimulation was carried ſo far, that he accompanied Raleigh into a boat, which was immediately beſet by the officers of the court. Steukly had the hardened aſſurance to own the deceit, and carried his kinſman a priſoner to the Tower*. The Ann. 1618.

* This infamous wretch was taken in the fact of clipping the very coin he had received as a reward for his perfidiouſneſs. He was condemned to be hanged for the offence, and was driven to the ſtreight

of

Ann. 1618. buſineſs of the council was to render Raleigh's tranſactions odious to the people; they particularly enlarged on the intention of making an eſcape to France. The declaration James publiſhed on this head begins thus: "That kings are not bound to give account of their actions to any but to God; however, he declares, that he is willing to repreſent his proceedings in this caſe to the world. It then urges ſeveral charges againſt Sir Walter Raleigh; among others, that the mine of Guiana was a meer fiction; that Raleigh's original and only deſign was to plunder the Spaniſh ſettlements, and to ſurprize their fleets; that he had formed a cruel purpoſe to leave the land-ſoldiers on ſhore at Guiana; that, after the defeat of his deſigns, he had no intention to return home, but to go to the Eaſt Indies, or to ſettle at Newfoundland; that, after his arrival in England, he contrived ſeveral ſtratagems to eſcape. The king affirms in this declaration, that he, in his own princely judgment, gave no belief to Sir Walter's aſſertions, that he had ſeen and tried the gold ore of the mine of Guiana, as being perſuaded that in nature there were no ſuch mines of gold entire, or that the Spaniards, ſo induſtrious in the chace of treaſure, would not have neglected it ſo long *." Raleigh compoſed an unanſwerable apology

of ſelling to his ſhirt to purchaſe a pardon. He withdrew himſelf from the odium of mankind to the iſland of Lundy in the Severn, where he died mad, in leſs than two years after Sir Walter Raleigh's execution. *Sir Walter Raleigh's Life by Dr. Birch*, p. 87.

* This is an extraordinary acknowledgment of James's: The allowing a ſubject to go out on a deſign which he ſtrongly ſuſpected to be an illegal one, and when the penalty of the crime was to be loſs of life. But though James affirms that he gave no credit to the reality of

for his conduct, but was reduced to beg, though in Ann. 1618.
vain, the interceſſion of the favourite. On the eighteenth of October, and in the ſixty-ſixth year of his age, he was taken out of his bed, though in a fit of an ague, and brought to the King's-Bench. He attempted to make a defence, by explaining the juſtneſs of his conduct in the expedition; but was interrupted by the court, who told him, that the matter of the voyage had nothing to do in the preſent caſe, and that treaſon could not be pardoned by implication. After ſentence was pronounced, he addreſſed the court in very pathetic terms for a reſpite of execution for a few days, that he might ſettle his private affairs, and vindicate his reputation. An order was produced, ready ſigned by James, though at that time in Hertfordſhire, for his execution the next morning. Barbarous as was this haſte, it had no effect on the preſent compoſed mind of Raleigh. His manly philoſophical deportment, during the interval of his ſentence and execution, was admirable; nor leſs ſo Raleigh's execution.
was his behaviour on the ſcaffold: He denied, with an awful appeal to God, the heavy charges * that had been

of the mines, yet, in his commiſſion, he takes care to ſecure to himſelf a full fifth of all the gold that ſhould be found in them.

* That Raleigh was innocent of many of the invidious calumnies with which he is loaded by the king's declaration, is, I think, a matter of ſmall doubt.

Firſt, there are the proteſtations of a dying man, ſtrengthened by aſſeverations not likely to be uſed for the purpoſes of deceit, in ſo tremenduous a ſituation.

Secondly, arguments to be drawn from the nature of the thing.

1ſt. If Sir Walter Raleigh had no other view in the expedition but to enrich himſelf by piracy, and that the prime object had been the plunder of the Spaniſh town lately built on the coaſt of Guiana, it is

Ann. 1618. laid againſt him; then fitting himſelf with compoſure for the axe, he received the fatal blow with an indifference that left ſtrong impreſſions of veneration on the beholders.

improbable that the attainment of that end would have thrown him and his friend into ſo terrible a conſternation, as to induce the one to deſtroy himſelf, and the other to prepare for flight; which intention of flight is one of the facts alledged againſt him in the king's declaration.

2dly. The plunder of a ſingle town was too contemptible an object for the hazard and danger of ſo long a voyage. If there were more places to plunder on the ſame coaſt, and that plunder was the end, why not attempt any other? it may be alledged that the town was thought to contain vaſt riches, that little was found there, and that the deſpair aroſe from this diſappointment. But what could induce a ſuppoſition of ſuch riches? not the induſtry of the Spaniards; it muſt be the perſuaſion of mines poſſeſſed by them, and to be diſcovered by the adventurers. The deſign of Raleigh could not be a general plunder and acknowledged piracy, for he was never taxed with making any propoſitions of ſuch a tendency; and indeed it would have been a very abſurd chimera to have ſuppoſed that the gentlemen of fortune and family which he had under his command would have left their country and home enjoyments for ever, to follow an idle adventurer in the conſtant purſuit of a precarious gain, to be attained with innumerable hardſhips, difficulties, and dangers. Could there have been any criminal circumſtance proved againſt him, why not put his life on that iſſue? why cut him off upon his former ſentence? That he had no certain knowledge where lay the mine, is not to be doubted; that he knew of the town lately built by the Spaniards is clear from his inſtructions to Keymis; but that the only propoſed end of ſo expenſive a preparation, and ſo tedious a voyage, was the plunder of a few Spaniſh towns on the coaſt of Guiana, is very improbable.

Raleigh was a dupe to his own over-heated imagination, and overreached in the whole affair by the low cunning of James. His diſpoſition for adventures had always been expenſive to him: During the reign of Elizabeth the diſcovery of Virginia had coſt him 40,000 l. He had alſo ſent out ſeveral ſhips to the territory of Guiana for information concerning that country and the ſuppoſed mines. Theſe circumſtances, which ſhew the vanity of his purſuits, are evidences to prove

Raleigh's Life by Dr. Birch.

prove the integrity of his deſigns in this laſt fatal attempt. The only clew to reconcile the many contradictions that a variety of circumſtances throw upon this affair, is, to ſuppoſe that Raleigh had a real confidence of finding mines on that coaſt, and depended on their treaſures as an excuſe for the hoſtilities committed in their attainment; and that James ſent him out with a halter about his neck, to be, either the means of filling his coffers, or the expiatory ſacrifice for the reſentment which the attempt might draw from Spain.

The ſtrongeſt circumſtance that appears againſt Raleigh's having a confidence in the diſcovery of a mine, is an accuſation of his not having taken ſufficient implements for the purpoſe of mining. But is it certain that this accuſation is grounded upon fact? or, if it was, might it not proceed from neglect, or any other reaſon than the aſcribed one? would a man of Raleigh's ingenuity, going out with an intention to deceive, have ſuffered ſuch an argument to be produced againſt him? His being entirely ſilent on the ſentence of treaſon, on which he actually ſuffered, ſtrengthens the evidence of his ſtrong aſſeverations on the article of the mine; for had he been determined to clear himſelf, and load his enemies, by daring perjuries in ſo tremenduous a ſituation, why make any diſtinctions? why not attempt to clear himſelf by the ſame means of all the aſperſions that were not undeniably proved againſt him?

The king's declaration on the ſubject of Raleigh's execution is drawn up in ſo poor a manner that it evidently expoſes the falſeneſs of its aſſertions; whereas the unfortunate Keymis put an end to his life, from deſpair occaſioned by the cold reception he met with from Sir Walter Raleigh. The declaration ſays, "It was much obſerved, that after that unfortunate return of Keymis, notwithſtanding Sir Walter Raleigh did publicly give out that he would queſtion him for failing to proſecute the mine, he had him at dinner and ſupper, and uſed him as familiarly and as kindly as before."

One of the allegations in this declaration is, "That Sir Walter Raleigh's conſcious guilt made him apprehend that he ſhould, on his coming to London, be again impriſoned in the Tower." Immediately after

Ann. 1618. THE favourable opinion the whole nation, and even James himſelf, had of the man he had ſo meanly

after this we meet with a contradictory aſſertion: "That his countenance was much altered when he ſuſpected this fate from the reading Stuekly's commiſſion from the privy council; that the door being half open, Manourie ſaw this alteration from the ſtair-head (Raleigh being alone in his chamber); that he ſtamped with his feet, and pulled himſelf by the hair, ſwearing in theſe words, "God's wounds! is it poſſible my fortune ſhould return upon me thus again?"

James attempts to prove that there was no deceit uſed to trepan Sir Walter Raleigh into cuſtody; but Stuekly, in an apology he made for his conduct, avers, that in uſing craft he did but perform the commiſſion he had from the court.

In the king's declaration is a minute deſcription of Raleigh's ſham illneſs, and the ſhifts this great man was enforced to practiſe in his endeavours to ſave his life. A prince here exults over an unfortunate ſubject, caught in the trap which he had laid for him, and cruelly triumphs in the accidental weakneſſes of a man, whom he had reduced into one of thoſe intereſting ſituations that are the ſevereſt trials of human fortitude.

The following is the reaſon the king gives for taking him off upon his former ſentence. "And becauſe he could not by law be judicially called in queſtion, for that his former attainder of treaſon is the higheſt and laſt work of the law (whereby he was *civiliter mortuus*) his majeſty was enforced (except attainder ſhould become privileges for all ſubſequent offences) to reſolve to have him executed upon his former attainder.

The pitiful evaſion of this excuſe is eaſily ſeen through, ſince, if the king had been willing to have put his life upon the judgment of his country, he might have given him a pardon on his former condemnation, and afterwards tried him on the accuſation of piracy; but James did not chooſe to truſt the affair to this iſſue. Circumſtances were entirely changed ſince the time that Raleigh was tried for treaſon, and this period of James's reign. Raleigh's cauſe was at preſent a popular one, and James had now loſt that influence which was attained by the novelty of his perſon and government; an influence which, in the

and unjuſtly ſacrificed, is to be ſeen in ſome paragraphs of a letter which Buckingham wrote to Cottington, James's agent at the court of Spain. "His majeſty, ſaith Buckingham, hath given them ſo many teſtimonies of his ſincere intentions towards them, which he daily continueth, as now of late by the cauſing Sir Walter Raleigh to be put to death, chiefly for the giving them ſatisfaction. His majeſty hath ſtrained upon the affections of his people, and eſpecially concerning Sir Walter Raleigh. Further, you may let them know how able a man Sir Walter Raleigh was to have done his majeſty ſervice, if he ſhould have been pleaſed to employ him; yet, to give them content, he hath not ſpared him, when by preſerving him he might have given great ſatisfaction to his ſubjects, and had at command, upon all occaſions, as uſeful a man as ſerved any prince in chriſtendom *. Ann. 1618.

RALEIGH was the younger brother of a good family, and diſtinguiſhed himſelf both in the ſea and land ſervices. His artful addreſs inſinuated him early into the favour of Elizabeth, and he maintained it to her death,

the caſe of Raleigh, occaſioned one of the moſt iniquitous ſentences that ſtand on the records of this country. *His Majeſty's Reaſons for his proceedings againſt Sir Walter Raleigh, in Sommers's third Collection of Tracts*, 1751, p. 196, *& ſeq. Sir Lewis Stuekly's apology, entitled, The Humble Petition and Information of Sir Lewis Stuekly, &c.* ibid. p. 215, *& ſeq.*

* James, as Buckingham here aſſerts, ſacrificed to the unreaſonable demands of Spain one of his beſt and moſt uſeful ſubjects. But the king of Spain, notwithſtanding the repeated ſolicitations of James's ambaſſador, refuſed to deliver up to judgment every Engliſh criminal that had taken refuge in Spain.

Ann. 1618. in oppoſition to the frequent prevalency of a contrary faction. On the fair opportunity which the acceſſion of the Stewarts offered, ſome articles were by him intimated to reſtrain the prerogative: Cecil, to make his court effectually, and cruſh the man whoſe ſuperior talents were the object of his envy and his fear, fruſtrated the attempt, and diſcovered it to James. Hence ſprung the primary motive of that hatred which at length brought this reſpectable genius to a premature fate. On his trial for treaſon, Cecil, though of the ſame faction, and an avowed friend, appeared with the invidious malice of an inveterate enemy. The ſentence of death then paſſed upon him was extorted with an apparent violation of thoſe laws that guard the lives of the ſubjects *. Coke, the attorney-general, proteſting, that if circumſtances alone were not valid in the caſe of treaſon, the crown could not ſtand one year on the king's head.

Raleigh's trial.

RALEIGH, at different times of his life, taſted both of the hatred and eſteem of the public. He was extremely odious to the people at the time of his trial, on the ſuppoſition of his having been one of the principal promoters of the death of Eſſex: His after-ſufferings, his philoſophical deportment, his literary merits, and unjuſt execution, turned the tide of envy to reſpect, love, and compaſſion. The character of Sir Walter Raleigh merited neither of theſe extremes: His apprehenſion was quick, his parts ſubtle; he had an indefatigable induſtry, and a great command of temper; but his judgment was clouded with partial views of ſelf-intereſt, and the ſervile prejudices of the times; though guiltleſs of any atrocious crimes, yet his morals had taken a deep tint from the vices of a court; his ſhining qualities dazzle the judgment and extort a complacency for his foibles; but his virtues were not of the ſtamp to merit genuine applauſe.

* Sir John Hawles, ſolicitor-general to king William, writes thus on the circumſtances of Sir Walter Raleigh's trial:

"I would know by what law is the depoſition of a perſon, who might be brought face to face to the priſoner, read as evidence; I would know by what law it is forbidden, that the accuſer ſhould be brought face to face to the accuſed; I would know by what law Brook's depoſition of what the lord Cobham told him of Raleigh was evidence againſt Raleigh; I would know by what law the ſtory Dyer told of what an unknown man ſaid to him at Liſbon of Don Raleigh was evidence againſt Raleigh; I would know by what ſtatute the ſtatutes of the twenty-fifth of Edward the Third and fifth of Edward the Sixth are repealed.

Ann. 1618.

CHAP. VI.

Negotiations with Spain.——Commotions in Germany.——Prince Palatine elected king of Bohemia.——The Palatinate invaded.——Parliament.——Fall of Bacon.——Diſſolution of the parliament.——Proteſtation of the Commons.

THE death of Raleigh heightened that diſtaſte which the public had long conceived for James: To execute a man of merit upon a ſentence originally illegal; a ſentence whoſe rigor had been already felt in the loſs of a large fortune, and a fifteen years impriſonment; a ſentence which had been underſtood to have been pardoned by the truſt and command lately conferred, was

Ann. 1618. looked on as an inſtance of the utmoſt cruelty and injuſtice. To do this upon the motives of gratifying the Spaniards, in a point on which they had ſmall pretenſions, as an inſtance of the utmoſt meanneſs; and this to forward an alliance which the whole nation deteſted, excited an indignation and contempt which nothing but the imbecility of the times prevented from riſing to a height that would have ſhook the firmeſt foundation of that divine right which can commit folly, crimes, and injuſtice with impunity.

In the ſame proportion as was James's diſregard to the good of the nation, roſe his attachment to worthleſs individuals. Buckingham now enjoyed his favour to a height of extreme dotage: In his perſon centered every kind of honour in which a ſubject could be gratified; on his caprice depended the preferment of the ableſt men in the three kingdoms; and to his inexperience, levity, and ignorance, were confided the whole powers of government.

Suffolk impeached.

Suffolk, the only remaining weed of Somerſet's planting, was now removed for a new growth. His well-known rapaciouſneſs gave a juſt handle for his impeachment; Coke, who perſonally hated him, had the management of it. He had been re-taken into favour on a mean application to the minion, whoſe countenance he had courted by the ſacrifice of his daughter, a great beauty with a large fortune, to his brother, Sir John Villiers. This match had been propoſed to Coke before his diſgrace, and rejected with marks of contempt; he afterwards entreated ſubmiſſively the alliance,

and offered an acquieſcence to any terms of ſettlement that the party ſhould approve. Bacon, who had now attained the chancellorſhip *, was another of Suffolk's Ann. 1618.

* Villiers, at the time he obtained the ſeals for Bacon, ſent him a meſſage by a gentleman to the following purport.

"That he knew him to be a man of parts, and, as the times were, fit to ſerve his maſter in the keeper's place; but he alſo knew him of a baſe ungrateful diſpoſition, and an arrant knave, apt in his proſperity to ruin any that had raiſed him in his adverſity. Yet, for all this, knowing how fit an inſtrument he might be for his maſter, he had obtained the ſeals for him; but with this aſſurance, ſhould he ever requite him as he had done ſome others, to whom he had been more bound, he would caſt him down as much below ſcorn, as he had now raiſed him high above any honour he could have expected."

This charge refers to Bacon's ungrateful treatment of his firſt patron, the earl of Eſſex. This nobleman had applied with all the warmth of friendſhip to Elizabeth for the place of ſolicitor-general for Bacon: On meeting with a refuſal, he would needs make up the diſappointment out of his own private fortune, and beſtowed upon him the gift of Twickenham-park, which was afterwards ſold at an under price for the value of eighteen hundred pounds.

When Eſſex fell under the diſpleaſure of the court, Bacon, who was one of the queen's counſel, managed a charge againſt him before an aſſembly of counſellors, judges, and peers, concerning a book that had been lately dedicated to him. It was an hiſtory of the firſt year of king Henry the Fourth, and being wrote with freedom, Elizabeth wanted to have ſome of the paſſages brought into the caſe of treaſon.

On Eſſex's attainder, Bacon was again employed againſt his generous patron; and, after his unhappy fate, the ſame Bacon, by the queen's command, drew up and publiſhed a declaration, ſetting forth the crimes and miſdemeanors of the ſaid earl. A behaviour ſo unjuſtifiably ſcandalous drew upon Bacon a general deteſtation, which was not extinguiſhed during his whole life, nor can his memory be exempt from it, whilſt any generous qualities remain in the human ſpecies. *Weldon. Mallet's Life of Bacon. Bacon's Apology.*

Ann. 1618. ſevere antagoniſts. Coke conducted the impeachment with an ability and acrimony peculiar to himſelf: Suf-

Weldon gives the following account of Bacon's abſurd and mean conduct after he had obtained the ſeals, viz.

" Now was Bacon inveſted in his office, and, within ten days after, the king goes to Scotland. Bacon inſtantly begins to believe himſelf king; lies in the king's lodgings, gives audience in the great banqueting-houſe, makes all other counſellors attend his motions, with the ſame ſtate the king uſed to come out to give audience to ambaſſadors; when any other counſellor ſat with him about the king's affairs, would, if they ſat near him, bid them know their diſtance; upon which ſecretary Winwood aroſe, went away, and would never ſit more (under his encroached ſtate), but inſtantly diſpatched one to the king to deſire him to make haſte back, for even his very ſeat was already uſurped. In this poſture he lived until he heard the king was returning, and began to believe that the play was almoſt at an end, he might perſonate a king's part no longer; and therefore did again re-inveſt himſelf with his old rags of baſeneſs, which were ſo tattered and poor at the king's coming to Windſor. He attended two days at Buckingham's chamber, being not admitted to any better place than the room where trencher-ſcrapers and lacquies attended; there ſitting upon an old wooden cheſt, with his purſe and ſeal lying by him on that cheſt. After two days he had admittance: At firſt entrance he fell down flat on his face at the duke's foot, kiſſing it, vowing never to riſe till he had his pardon; then was he again reconciled, and ſince that time ſo very a ſlave to the duke, and all that family, that he durſt not deny the command of the meaneſt of the kindred, nor oppoſe any thing." *Weldon*, p. 120, *& ſeq.*

If this tale is told with exaggerations, it muſt be allowed that it has a foundation in reality. Bacon had certainly diſobliged Winwood, James, and Buckingham, during the king's reſidence in Scotland. Through motives of jealouſy he had violently oppoſed the match between Coke's daughter and Sir John Villiers. He had gone ſo far in his oppoſition as to threaten Winwood with a premunire for granting a warrant to ſearch the lady, who had been ſecreted by her mother to prevent the match, and had ventured to write a letter to James, in which he repreſented the intended union as a thing that might

folk was accuſed and convicted of mal-adminiſtration in his office. His ſentence was confinement in priſon during the king's pleaſure, and a fine of thirty thouſand pounds. The loſs of the treaſurer's ſtaff preceded it. Ann. 1618.

THE council was now brought to an entire approbation of the Spaniſh match; and Sir John Digby, by commiſſion under the great ſeal, was authorized to treat and conclude the marriage. Sarmiento had been recalled to Spain to give an account of his negotiation: That court was ſo pleaſed with his conduct in procur- Negotiation with Spain.

might prove detrimental to himſelf and favourite. James returned a very angry epiſtle, and Bacon began to find himſelf in a precarious ſituation. He was informed by Sir Henry Yelverton, that Buckingham had openly ſaid, " He repented the having raiſed him ſo high; that the ingratitude with which he had behaved to the earls of Eſſex and Somerſet was an inveterate cuſtom in him:"

That it was common in every courtier's mouth, that his greatneſs ſhould be abated; and, as his tongue had been a razor to ſome, it would be retaliated on him:

That there was laid up for him many petitions againſt him to his majeſty:

That Buckingham had ſaid, " That he would not ſecretly bite; but whoſoever had any intereſt, or taſted of the oppoſition to his brother's marriage, he would openly oppoſe them to their faces, and they ſhould diſcern what favour he had by the power he would uſe."

Bacon wrote many ſubmiſſive letters to the king and favourite, without receiving any aſſurances of forgiveneſs. One of the letters he wrote to the king on this occaſion ends in the following ſtrain:

" And ſo expecting that that ſun, which, when it went from us, left us cold weather, and now it is returned towards us, hath brought with it a bleſſed harveſt, will, when it cometh to us, diſpel and diſperſe all miſts and miſtakings." *Original Letters by Dr. Birch*, p. 139, *& ſeq. Cabala*, p. 57.

Ann. 1618. ing Raleigh's death, that they gratified him with the title of count Gondemar, and ſent him back with powers to carry on the negotiation. Five leading articles were at length agreed on between the two monarchs.

Ruſhworth. I. That the pope's diſpenſation be firſt obtained by the mere act of the king of Spain.

II. That the children of this marriage be not conſtrained in matters of religion, nor their title prejudiced, in caſe they prove catholics.

III. That the infanta's family, being ſtrangers, may be catholics, and ſhall have a decent place appointed for divine ſervice, according to the uſe of the church of Rome, and the eccleſiaſtic and religious perſons may wear their proper habits.

IV. That the marriage ſhall be celebrated in Spain by a procurator, according to the inſtructions of the council of Trent; and after the infanta's arrival in England ſuch a ſolemnization ſhall be uſed as ſhall make the marriage valid according to the laws of this kingdom.

V. That ſhe ſhall have a competent number of chaplains, and a confeſſor, being ſtrangers; one whereof ſhall have power to govern the family in religious matters.

It is eaſy to diſcover that the firſt article was framed for the double purpoſe of protracting the treaty, and as an

an excuſe for the entire breaking it, whenever the affairs of Spain made it their intereſt to put an end to the deceit. But ſuch was the ardor and ſuch the infatuation of James, that, for fear of interrupting the treaty by any exceptions, he neglected a critical opportunity to oblige the Spaniard to declare himſelf in a manner that could not be evaded. Ann. 1618.

A commotion this year broke out in Germany, that threatened the entire ruin of the proteſtants, and bid fair for a general re-eſtabliſhment of that eccleſiaſtical ſervitude from which part of the inhabitants had been lately delivered. In the ſtate of Bohemia the tenets of the reformed church prevailed; as the regal dignity was elective, they had obtained, from the favour of this circumſtance, eſſential privileges in the point of religion. The emperor Matthias poſſeſſed the crown of Bohemia; to pleaſe the catholics he adopted his couſin-germain Ferdinand, arch-duke of Gratz, for his ſucceſſor. Ferdinand was of the younger branch of the houſe of Auſtria; zealouſly bigotted to the popiſh faith. The ambition of this prince was not ſatisfied by Matthias's adoption; he obliged him, through the means of the Roman catholic party, to reſign the crown of Bohemia; and, by a partial call of the States, in an aſſembly compoſed of catholics, he obtained the election, though with a proviſo not to act as ſovereign till after the death of the emperor. On this uſurped ſettlement the kingdom of Bohemia was governed by a council of papiſts, and the proteſtant party was treated in an injurious manner. A general aſſembly of the States, called by the officers appointed to enfore the execution of edicts, Affairs of Germany.

Ann: 1618. edicts, demanded a reparation for the injuries they had ſuſtained, and adjourned themſelves to another day. The emperor's lieutenants, according to orders, attempted to prevent their re-meeting. So tyrannical an oppoſition enraged the States to a degree of phrenzy; they ſeized the emperor's officers, and flung three of the moſt inſolent of them out of the caſtle window.

WAR was become unavoidable, and both ſides made great preparations. From the time of the emperor's attempt upon Juliers, the proteſtant ſtates of the empire had formed a confederacy againſt the oppreſſive power of the catholics; this coalition was termed the Evangelical League *. Of theſe powers the Bohemians implored aſſiſtance, and invited the elector palatine to accept of their crown. In the interim Matthias died, and Ferdinand obtained the imperial dignity by the ſame means that he had obtained the crown of Bohemia †.

Ann. 1619. Every branch of the houſe of Auſtria, veſted with large powers, were now united againſt the reformed religion. In this critical ſituation the proteſtants did not neglect the defence of liberty: The cauſe of the Bohemians was adopted, and the elector palatine marched into Prague, and took poſſeſſion of the offered crown.

EXTREMELY different was the effect that this news had upon James and his ſubjects. The generous people, animated by the cauſe of liberty, ardent for the relief of their proteſtant brethren, were fired with impatience to enter as parties into the quarrel. The monarch, whoſe ambition was centered ſolely in the object of the Spaniſh match, had very contrary inclinations. Indeed his finances were not in a ſituation to enter into a war without a large recruit from parliament; and the treaty on foot, oppoſite to the inclinations of the whole people, made ſuch an aſſembly particularly undeſirable at this juncture. Beſides the Engliſh navy which would have been of notable uſe to have kept Spain in awe, by the inſtances of Gondemar had been ſuffered to go almoſt totally to decay, and wanted much time and money to put it into a condition for any hoſtile attempt. Theſe arguments, drawn from his preſent circumſtances, were not the only ones that inclined James to abandon his ſon-in law. His exalted idea of the rights of a king, however unjuſtly and illegally thoſe rights had been obtained, would have been alone a ſufficient motive for him to deny his aſſiſtance to the revolted States; therefore, without examining into the nature of their pretenſions, he declared againſt them in the council, and forbad his ſon-in-law to be prayed for under the title of the king of Bohemia. The archbiſhop of Canterbury, detained by illneſs from being at this council, wrote to ſecretary Naunton, that it was his opinion that the elector ſhould accept of the crown, and England openly ſupport him. James rejected the reaſons which the archbiſhop urged to ſupport his opinion, as favouring too much the pretenſions to liberty in ſubjects.

* The princes who formed this league were, the elector palatine, the elector of Brandenburgh, the marquis of Anſbach, the duke of Wirtemburgh, the landgrave of Heſſe, the princes of Anhalt, and the marquis of Baden.

† The elector palatine's ambaſſador, who came to oppoſe the election, was ſtopped at Frankfort.

Ann. 1619.

Ann. 1619. THE viſcount Doncaſter had been ſent ſome time before this into Germany to offer James's mediation to compoſe the difference between the emperor and the Bohemians *. This pitiful interfering was treated by

* The following is the advice which the States gave to the king of England on this head. "The States' deputies, writes Carleton in a letter to James, came to me in the name of their aſſembly, to put a queſtion unto me, What I could inform them of your majeſty's intention in ſuccouring your majeſty's allies and theirs in Germany, particularly the Palatinate, now moſt in danger, to the end they might govern themſelves accordingly. I had not much to anſwer, ſave what I had underſtood of your majeſty's former intention to ſend ambaſſadors into Germany to join with the French in pacification of thoſe troubles; and now newly of your majeſty's purpoſe of ſending firſt to thoſe princes which ſeem to threaten the Palatinate with extraordinary levies. This they approved, ſo as the embaſſage might be countenanced with an army, otherwiſe they doubted of the effect; and thereupon deſired me to advertiſe your majeſty of the ſtrength of the two Spaniſh armies, one of about twenty thouſand foot and four thouſand horſe, which is to be at the rendezvous in Luxemburgh at the end of this month, and ſo march towards Germany, under the conduct of the marquis Spinola, before the midſt of the next; the other under the command of Don Lewis de Velaſco (the ſtrength whereof is not known, but by conjecture of the number of the old troops) which is to wait upon the States' army, in caſe it ſhould draw to a head upon Spinola's marching. Their intention, they ſaid, was good, and their reſolution ready to aſſiſt the princes, and particularly the Palatinate, according as in your majeſty's name I had formerly deſired them, for the preſervation of your majeſty's ſon-in-law in his patrimonial inheritance and countries, to the end your majeſty might the more eaſily procure the pacification you intend. But the princes in Germany being too weak of themſelves to make reſiſtance, and their ſtrength here too little to be hazarded betwixt two armies, one of which would cut betwixt them and home, while they followed the other, and, upon any diſaſter which might befal their men, would follow their victory, even into the heart of theſe countries, which are yet much unſettled by reaſon of their late diſtractions, and much of the ſtrength

Ferdinand with ſo much diſdain, that the ambaſſador could not obtain one audience *. Ann. 1619.

ſtrength thereby diverted, they know not what ſatisfaction to give your majeſty in defence of the Palatinate, unleſs your majeſty's more powerful hand ſhould concur therein, and therefore they doubted a fearful event of this ſummer's work; that the Spaniards would not only make themſelves, without much reſiſtance, maſters of the Palatinate, but bring all the united princes and the free towns to their ſubjection, of which danger they likewiſe deſired me to advertiſe your majeſty; and withal to beſeech you, as the chief protector (under God) of the common cauſe of religion, and a prince particularly intereſted in your ſon-in-law's fortune, to contribute ſome part of your great power to the ſafety of both; wherein your majeſty ſhould find them ready to employ the uttermoſt of their abilities." *Carleton's Letters*, p. 473, *& ſeq.*

* This year a very arbitrary act of ſovereignty was exerciſed on the earl of Ormond. He was thrown into priſon for refuſing to ſtand to the king's arbitration concerning a diſputed eſtate between him and the lord Dingwell. The king had adjudged it in favour of his antagoniſt. This lord Dingwell was Sir Richard Preſton, an old companion and favourite of James's. He obliged the late earl of Ormond to marry his daughter to him, and created Preſton, on this occaſion, baron of Dingwell in Scotland. On the death of this earl, the title deſcended to his nephew, Sir Walter Butler, on whom the eſtate was entailed; the lord Dingwell diſputed this right on the pretenſion of his wife's ſucceeding as general heir, and obtained poſſeſſion by an unjuſt exertion of the power of the crown, notwithſtanding that Ormond's title to the eſtate was corroborated by the will of the deceaſed earl. Carte's Introduction to the Life of James duke of Ormond, 1736. vol. I. p. 66.

Ormond was not the only individual that ſuffered from illegal acts of power in this reign. Whitelock, a lawyer, and Sir Robert Manſell, the vice-admiral, were both committed to priſon; one for giving his opinion in a caſe which was ſuppoſed to touch the king's prerogative, and the other for aſking it. The opinion was not given in public, but as a private intimation to a friend.

Edmund Peachum, who was taken up for writing ſome offenſive paſſages in a ſermon, was racked ſeveral times in priſon, that a confeſſion of treaſonable purpoſes might be extorted from him by the Original Letters, &c. by Dr. Birch, p. 47.

Ann. 1620.

In the beginning of the year 1620 the affairs of Bohemia were in a good ſituation. Several princes of Germany had formed a league to ſupport the new king; and Bethlem Gabor, prince of Tranſylvania, had procured a diverſion in Hungary by exciting the Hungarians to rebel againſt the emperor. At this critical time had England awed the Spaniards by her fleet, and ſent a moderate aſſiſtance of land forces into Germany, the war might have been ſoon determined to the advantage of the proteſtant cauſe, and the firm eſtabliſhment of the palatine on the throne of Bohemia. But this continental war, the only one perhaps in which it was ever politic for England to engage, and in which for once the glory of the people and the intereſt of the ſovereign were united, was ſo diſclaimed by James that the ambaſſadors * whom he ſent into Germany to cloſe the

James diſclaims his ſon-in-law's cauſe.

force of pain. The ſtrength of his reſolution rendering this method ineffectual, the queſtion was, how to convict him on the circumſtances of thoſe paſſages. James drew up with his own hand a ſtate of the queſtion. In this performance he employed all the powers of his logic to enlarge the boundaries of high treaſon to the preſent caſe.

Original Letters by Sir David Dalrymple, 1762. p. 36.

The ſermon had never been made public, either by preaching or printing.

In Peachum's caſe Bacon, who then held the place of attorney-general, by the command of the king extorted by the force of importunity the ſeveral opinions of the judges. Sir Edward Coke affirmed, "That ſuch an auricular taking of opinions was not according to the cuſtom of the realm; that it was new and dangerous." Bacon's artifices and importunities at length prevailed: He wrote word to James that he was not wholly out of hope, that my lord Coke would comply when he had in ſome dark manner put him in doubt that he ſhould be left alone.

* Theſe were Sir Richard Weſton and Sir Edward Conway. Sir Richard Weſton was a Roman catholic.

breach between the emperor and his ſon-in-law, damped the hopes of the proteſtant league, and encouraged the Auſtrians by diſavowing the elector's proceedings, and denying to give him the title of king of Bohemia. At the ſame time he ordered Cottington to aſſure the king of Spain, that his ſon-in-law had acted without his knowledge, that he diſapproved of his conduct in accepting the crown, and was determined to diſown him if he perſiſted in his pretenſions. A kind of a complaint was alſo made to that court, that the emperor, by referring the buſineſs to four electors, had diſregarded the king of England's intentional kind offices, and left no place for his authority to interpoſe. Ann. 1620.

The proteſtant cauſe begins to decline.

Whilst James's attention was thus engroſſed in giving ſatisfaction to the houſe of Auſtria, the affairs of Bohemia began to wear a threatening aſpect. The elector of Saxony was won over by a jealouſy of the Palſgrave's new dignity, and the promiſe of Luſatia. He entered that country with an army of twenty thouſand men. The like means was uſed to engage the duke of Bavaria, who, at the head of a catholic league, declared for the emperor. The king of Spain was levying a conſiderable force in the Netherlands for his uſe. The prince of Orange, who had urged the Palſgrave to accept the crown of Bohemia, was impeded from giving him any conſiderable aſſiſtance by the commotions his conduct had excited in the United Provinces *. Other

* The States were extremely inclined to ſupport the king of Bohemia; but their domeſtic quarrels, and the averſion they found in James to enter into the quarrel, prevented their exerting themſelves further than the allowing him a monthly aid of fifty thouſand florins.

Ann. 1620. ſtates were infected by the coldneſs of England *, and the Hungarians and Tranſylvanians, by means of the king of Poland, had been neceſſitated to make a truce with the emperor.

THE king of France, who was engaged by intereſt to interrupt the growing greatneſs of the Auſtrian family, was kept in a neutrality by the influence of his favourite Deluynes. Deluynes had been bribed into this meaſure by the gift of a rich heireſs, in the diſpoſal of the archduchеſs Iſabella.

They wrote a letter to the proteſtant princes aſſembled at Nuremburg, to haſten them in their reſolution for the aſſiſtance of the king of Bohemia. They told James's ambaſſador, that the ſecurity of the Palatinate depended on the king of England; who, ſhewing himſelf and his power in time, would keep them all in obedience. "In this opinion, writes Sir Dudley Carleton, I am daily aſſailed with interrogatories what his majeſty doth reſolve, and what his majeſty will do." *Carleton's Letters*, p. 431.

* Carleton, the Engliſh reſident at the Hague, gave from thence the following intelligence to the Engliſh court:

"That Monſieur Langerac had wrote from France, that the emperor's ambaſſador had obtained a private conſent of ſuccours from that king; the apprehenſion whereof did cauſe Broderode, the States' ambaſſador, to write very fearful letters from Heidelbergh, as if the Lower Palatinate would be a prey the next ſpring to the French, Lorrain, and the archduke's troops. To which he added, that the French agent there having his means augmented, prepared himſelf to follow the king to Prague; but in his letters from the French king and commiſſion went no farther in title than what he was wont, which he excuſed upon his majeſty's not having acknowledged his ſon-in-law king of Bohemia; in which reſpect, he ſaid, it muſt not be found ſtrange in thoſe princes, who had not ſo near intereſt as the king of England in blood and title." *Carleton's Letters*, p. 436.

BESIDES

BESIDES theſe diſadvantages which threatened the proteſtant cauſe, the conduct of the elected king of Bohemia was weak and indiſcreet. He entruſted the command of his forces to prince Anhalt, in preference to two able commanders that had already rendered him conſiderable ſervices, the counts de la Tour and Mansfeild. His domeſtic behaviour gave great offence to his new ſubjects: He affected much ſtate and grandeur, and his wife introduced a gaiety which indeed ſhe had been uſed to in her father's court, but which diſguſted the religious Bohemians, whoſe zeal ought to have been kept up by a frugal appearance, and a ſtrict ſeverity of manners. Ann. 1620. Burnet.

IN ſpite of that averſion which James had to enter into any meaſures that might incur the diſpleaſure of Spain, the popularity of his ſon-in-law's cauſe, in a manner obliged him to admit of one regiment's * going to the Palatinate, to make head againſt Spinola, who had invaded it with the Spaniſh forces. The fortune of Frederic, king of Bohemia, began now to gather to a criſis: A large force, under the ſeveral commands of Maximilian, duke of Bavaria, Bucquoy, and Balthazar, advanced to Prague, the capital of Bohemia; the Bohe-

* This was ſo much againſt the king's inclination, that Wooton told the archduke Leopold, that true it was the Engliſh ſubjects had taken an alarm, and voluntarily meant to ſacrifice themſelves for the defence of the Palatinate, but without his maſter's concurrence of money or command. Sir Horace Vere was colonel of this regiment, the earls of Eſſex and Oxford captains. Eſſex penſioned fifty men that went on this expedition, beſides the compleat number of his own company. *Sanderſon*, p. 484, & *ſeq.*

mian

Ann. 1620. Decisive victory gained by the Imperialists.

mian forces were drawn out to oppose them. On the eighth of November a battle was fought, which gave a decisive victory to the imperialists, and obliged the king and queen to take their flight towards Holland. One of the chief reasons that occasioned the precipitate fate of this unfortunate prince was his suffering a discontent to rise in the army for want of pay, though he had actually a great treasure by him, which, after his defeat, fell into the hands of the enemy.

PRINCE Anhalt immediately deserted the vanquished party, and fought the battles of the imperialists. The generous la Tour and Mansfeild, notwithstanding the ill usage they had received, stood firm to the cause of liberty, and continued with the remainder of the beaten forces to harrass the countries dependant on the emperor.

Death of Anne.

ANNE of Denmark, James's queen, did not live to see the entire ruin of her daughter's fortune. Her death happened in the beginning of the year 1619, in the forty-fifth year of her age. She was a woman of a vain, haughty, and violent temper *. The court-amuse-

* At the time of her daughter's marriage with the Palsgrave she had been flattered from the king of Spain with hopes that she might have him for a son-in-law. This put her into so ill a disposition for the protestant match, that she descended to such childish expressions of resentment as to call her daughter in derision Good-wife Palsgrave.

Spotswood gives us the following account of the violence of this princess's temper:

" Prince Henry was assigned to the care of the earl of Mar: On the queen's intended journey to London she went to his house, and demanded her son, that he might accompany her. This demand being denied by the family of the earl of Mar, she became so incensed, that it occasioned her a fever, and that fever a miscarriage. The king being advertized of her sickness, sent the duke of Lenox with a warrant to receive the prince, and deliver him to the queen. Notwithstanding this indulgence, she wrote a letter to the king, full of passion, requiring a public reparation by the punishment of the earl of Mar and his servants. The king sent her word, that she should do wisely to forget the grudges she carried to the earl of Mar, and thank God for the peaceable possession they had obtained of the kingdom of England, which, next under God, he ascribed to the last negotiation of the earl of Mar in England. When this message was delivered to the queen she replied, in great wrath, that she rather would have wished never to see England, than to be in any sort beholden to the earl of Mar." *Spotswood*, p. 477.

ments took their bias from these qualities; they were pompous and gaudy, without any degree of taste or propriety *. The direction of the revels were the bounds of Anne's empire. It was perhaps from the little influence she had over her husband, that she escaped the odium that fell on all those that transacted the public affairs. Ann. 1620.

* The two following authentic letters are examples of the kind of vulgarness that prevailed in this princess, and consequently infected the whole court.

Queen Anne to king James.

" I am glad that our brother's horse * does please you, and that my dog Stennie † does well; for I did command him that he should make your ear hang like a sow's lug, and when he comes home I will treat him better than any other dog."

Queen Anne to viscount Villiers.

" You do well in tugging the sow's ear ‡, and I thank you for it, and would have you do so still, upon condition that you continue a watchful dog to him, and be always true to him. *MSS. British Museum*, folio 6986.

* The king of Denmark. † Viscount Villiers. ‡ King James.

Ann. 1620. Benevolence.

JAMES attempted to turn to his own pecuniary advantage the zeal which the people expreſſed for the reinſtating of the Palſgrave's fortune. On the almoſt entire loſs of the palatinate a benevolence was demanded, as an aid towards its recovery. Whether the people looked upon this as an excuſe only to extort money from them; whether they were diſguſted at its being demanded at a time too late to expect any fruits from ſuch an aſſiſtance; or whether they were unwilling to encourage the examples of theſe illegal methods of raiſing money, the king got little from his ſubjects by this ſtratagem*. He ſoon after called a parliament, forming great hopes from the general diſpoſition towards a German war.

Rapin.

WHILE the people were encouraged to believe that the king would really attempt the recovery of the palatinate, Buckingham writes a letter to Gondemar, in which he aſſures him, "That his maſter was determined to remain neuter for the reaſons of conſcience, honour, and example. On the firſt reaſon, the church very juſtly oppoſed the principle of the jeſuits, who take upon them to enthrone and dethrone princes according to their fancy, that our religion enjoins us to obey our prince and ſovereigns, though they ſhould be Turks or infidels. Secondly, that if he aſſiſted his ſon-in-law in this affair his actions would be contrary to his proteſtations, which would be very diſhonourable. Thirdly, it was a very dangerous precedent againſt all Chriſtian

* James at this time demanded a benevolence from his Scotch ſubjects, but every rank of people excuſed themſelves from compliance. *Spotſwood*, p. 541.

kings,

kings, to allow of the tranſlation of a crown by the authority of the people." Ann. 1620.

AT the ſame time that James was giving theſe full aſſurances to the Spaniſh miniſter, his ambaſſadors were dancing attendance at every prince's court in Germany, to endeavour to incline them to the pacific meaſures of their maſter. The arguments they made uſe of on this occaſion, ſhewed ſo ſtrongly James's determined purpoſe, that it confirmed the coldneſs of the proteſtant allies, and freed their antagoniſts from the apprehenſions of a powerful oppoſition. Mean while the regiment of Engliſh volunteers, not having been joined by any conſiderable force, had been able to do ſo little in the palatinate, that that country had fallen almoſt entirely into the hands of Spinola, the Spaniſh commander. Whilſt the king of Spain was thus compleating the deſtruction of James's family, Gondemar had the addreſs to perſuade him, in ſpite of his averſion to warlike enterprizes, to ſend out a naval force againſt the Algerines, who began to be formidable to the Spaniards: At the ſame time the ambaſſador was ſuffered to buy up all kind of warlike ſtores to ſupply the Spaniſh magazines. Theſe were not the only inſtances of a ſurprizing power which this ſubtle genius had over the weak mind of the Engliſh monarch: He actually perſuaded him that his maſter's conqueſt of the palatinate would accelerate its reſtoration, as it would be a gallant preſent for the infanta to give on her marriage.

JAMES was not the only dupe to the artifices of Gondemar. Marco Antonio de Dominis, archbiſhop of Spo-

Ann. 1620. leto, fell a victim to his enſnaring courteſy: He came into England in the year 1618, abjured the Roman catholic faith, and was preferred to the maſterſhip of the Savoy, and the deanry of Windſor. After ſome years' ſtay, though he was grown old and infirm, he ſuffered himſelf to be gained by the hopes of a cardinal's hat, and returned to Rome to be reconciled to that church. Inſtead of being preſented with a cardinal's hat, he was thrown into the inquiſition, and, after his death, his body was publicly burnt.

Ruſhworth. To create a confidence in the enſuing parliament of a real intention to recover the palatinate by the force of arms, nine commiſſioners were appointed to conſider what proportion of men, ſhipping, and treaſure, would be ſufficient for the enterprize. The earl of Eſſex, one of the officers in the regiment now in Germany, who had juſt returned from that country, was one of theſe commiſſioners.

THE tongues of men were ſo buſy in cenſuring the government, that proclamations continually iſſued againſt exceſs of ſpeech; all of them were in threatening ſtrains, but as the individual offenders were ſcreened by their multitude, theſe proclamations ſerved only to encreaſe their clamour.

Parliament. Parliam. Hiſt. ON the thirtieth of January, according to the king's appointment, the parliament met. In the beginning of James's ſpeech to this aſſembly, he laments the little influence his wife and florid diſcourſes have hitherto had over parliaments. "I may truly ſay, ſaid he, that I have

have piped unto you, but you have not danced; I have Ann. 1620.
often mourned, but you have not lamented." He then makes the following curious definition of the nature of parliaments: "I know there are divers ſorts of foreign parliaments, ſome more, ſome leſs, in number; but I leave them;—only this I would have you to obſerve, that it is a vain thing for a parliament-man to preſs to be popular, for there is no ſtate or parliament without a monarchy; ſo the Grizons, Swiſſes, and Low Countries, which are governed without a king, have no parliaments, but councils and aſſemblies: This I put you in mind of, that you ſerve under a monarch, and that you muſt ſtand or fall with it." By James's manner of expreſſing himſelf it is not eaſy to find out the diſtinction he endeavours to demonſtrate; ſince, if the deſign of the body of men he addreſſed had been to procure to themſelves ſovereignty, it would be of little conſequence to them whether they were called an aſſembly, council, or parliament. James aſſures the parliament, that he will do nothing in the Spaniſh match that ſhall not be for the good of religion. The trial of his ſincerity he refers to his works and writings, wherein he ſays, "He has been a martyr tortured in the mouths of the vulgar." He hopes they will truſt the wiſdom of their king ſo far, that he will never do one thing in public and another in private; the main end of his calling them together, he owns, is for a ſupply for his neceſſities; he draws a compariſon between his preſent ſituation, and "That of a woman with-child, that has gone her time of travail; only inſtead of months, himſelf had gone ten years, and therefore it was full time that he ſhould be delivered of his wants." He gives a detail

Ann. 1620. tail of his preſent œconomy; " That ten thouſand a-year was abated in his houſhold expence; that his young admiral *, out of the love he bore to him, had, by taking all upon himſelf, ſaved him the envy which ſuch a particular ſurvey would otherwiſe have occaſioned him; that the expence of the navy was diminiſhed twenty-five thouſand pounds †." He then tells them, " That the ſecond cauſe for this call of parliament is the miſerable and torn eſtate of chriſtendom." He mentions the money it coſt him in Doncaſter's embaſſies to compoſe differences, and blames his ſon-in-law for accepting the crown from the alienated ſtates. He proceeds to give his reaſons for not having interfered in the cauſe: " Firſt, ſaid he, I would not make religion the cauſe of depoſing kings; I leave that to the jeſuits to make religion a cauſe to take away crowns. Next, I was not a fit judge between them, for they might ſay to me as he ſaid to Moſes, Who made thee a judge over us? and myſelf would not be content for them to judge whether I were a king or not. Laſtly, becauſe I had been a meddler, and then to determine my ſon might take the crown upon him, had been improper." He next informs them, " That he has ſpent two hundred thouſand pounds to prevent the palatinate from being invaded; and that he will leave no travel untried to obtain a happy peace." After having given a hint of his merit in expending forty thouſand pounds upon the pi-

* The duke of Buckingham.

† The navy at this time was ſuffered to go to decay. Gondemar had told James, that furniſhing a naval force would breed ſuſpicion in the king his maſter, and avert his mind from the intended alliance. *Ruſhworth*, vol. I. p. 3.

ratical war, he deſires them to conſider if he deſerved Ann. 1620. not reſpect. " How happy a fame will it be, concludes he, that he is reverenced by his people, and reciprocally loves them? Now ſhall I be honoured by my neighbour princes, and my government, peradventure, made an example for poſterity to follow."

WHATEVER might be the effects that this wiſe and perſuaſive ſpeech had upon the parliament, their firſt tranſaction was a petition to the king for the due execution of laws againſt jeſuits, ſeminary prieſts, and popiſh recuſants *. They then entered on the conſideration of thoſe numberleſs grievances under which the ſubjects had laboured in their perſons, property, and apprehenſion, during the vacancy of parliament.

THE Commons, not to loſe the only moments that rendered them capable of ſerving their country, waved the arguments that the courtiers made uſe of for a ſpeedy ſupply †, and entered into proceedings on the

* In the debate concerning this buſineſs in the lower houſe, Sir Jerome Horſey moved that four or ſix members ſhould be appointed to ſearch the vaults and cellars under the parliament-houſe twice a-week. *Parliam. Hiſt.* vol. V. p. 327.

The papiſts at this time met with ſuch encouragement from the miniſtry, that they made no ſcruple to declare that they expected liberty of conſcience, and a toleration of their religion.

† On this ſubject of ſupply Sir William Cope moved, that a committee of the whole houſe ſhould ſit every afternoon to conſider the ſtate of Chriſtendom, England, the ſtate of wars, and the beſt means to carry them on. Sir John Davys argued, on the ſide of the court, to give ſpeedily, that all men run together to quench a fire, though they were not a fire, yet the palatinate was on fire, religion was on fire,

Ann. 1620. many vexatious grants that had harraſſed the ſubject during this long period of ſeven years. The moſt glaring abuſes were, diſpenſations of penal ſtatutes in the farming out inns *, grants of monopolies, and grants of concealments †. A patent for the ſole making of

fire, and all other countries on fire. Sir James Perrot moved, that ſupply and grievances might be as twins, to go together, and have no precedency. There had been a proclamation, he ſaid, to reſtrain ſpeaking on matters of ſtate, and the king's ſpeech had confirmed it; that there was alſo reſtraints put on petitioning in religious matters. He moved for a petition to the king to explain himſelf what he intended by matters of ſtate. If recuſants and the like, ſo monopolies, &c. may come within the compaſs of the prerogative; even for the palatinate, what to be given, how to be employed, may come within the compaſs of matters of ſtate. A committee might form ſuch a petition, and bring it into the houſe to-morrow. He was againſt a conference with the Lords, for in the laſt parliament they rejected a conference. Sir Edward Coke urged, that the privileges of the houſe concerned the whole kingdom: "But take heed, ſaid he, that we loſe not our liberties by petitioning for leave to treat of grievances. No proclamation can be of force againſt an act of parliament. In Edward the Third's time a parliament was holden every year, that the people might complain of grievances. If a proclamation comes againſt this the law is to be obeyed, and not the proclamation. The fourth of Henry the Eighth Strowde moved againſt the ſtannary-court, but was fined after the parliament, and impriſoned by the ſteward of the ſtannary: Thereupon a law enſued for freedom of ſpeech in the houſe, but it ought to be done in due and orderly manner." *Parliam. Hiſt.* vol. V. p. 329, *& ſeq.*

* Exceſſive fines were ſet upon theſe houſes of public refreſhment; the licenſing them was taken out of the hands of the proper magiſtrates, viz. the juſtices of the peace. By this means all kind of diſorderly perſons were permitted to keep inns.

† Theſe were grants of concealed titles to lands. By this means people were turned out of what they had been long in poſſeſſion of, after having ſpent great ſums on improvements. The Commons complained

gold lace both given to Sir Giles Mompeſſon, a creature of the favourite's. Sir Edward Villiers had a large ſhare in the profits, though his name was left out of the patent. The privilege of the patentee went ſo far as the power of impriſoning all thoſe that ſhould preſume to make this commodity, and even to enter their houſes, and forcibly take away ſuch goods. By the means of ſo extenſive a privilege, through the avarice of the patentee, all the gold lace then made was adulterated to leſs than half its value *. Ann. 1620.

THE unravelling theſe complicated ſcenes of villainy began to make James tremble for his favourite. He would have diſſolved the parliament, had it not been for the artful counſel of John Williams, dean of Weſtminſter, who adviſed him to ſacrifice every other criminal to the public reſentment, and ſooth them with an aſſurance that it was propoſed by Buckingham. Williams's advice was followed, and Buckingham declared in the houſe of Lords, that though he had two brothers called in queſtion, he would not defend them, but leave them to the cenſure of parliament. This appearance of candor, and the fear of being taxed with giving any

plained that a cathedral and twelve hoſpitals had been ſwallowed up by it.

* In a conference on theſe ſubjects between the two houſes, the lord chancellor and the lord treaſurer had ſtood up improperly to ſpeak in their own defence. The lord chamberlain complained to the upper houſe of this irregularity, and termed them two Great Lords: This diſtinction was objected to by the lord Spencer: It was agreed that no Lords of that houſe were to be called Great Lords, they being all peers.

Ann. 1620. delay to a meaſure ſo popular as the German war, made the Commons part with two ſubſidies, and abate of thoſe ſcrutinizing enquiries that might affect the miniſter, and prevent the bringing other criminals to juſtice.

Bacon accuſed of malverſation in his office.

AMONG the numberleſs evidences which thronged to accuſe the corrupt miniſters of the crown, matters of high importance were charged againſt Bacon, who had ſome time enjoyed the chancellorſhip, and was now diſtinguiſhed by the title of viſcount St. Albans. He was not only accuſed of having ſet the ſeal to a great number of illegal patents, but even of bribery in the exerciſe of his office as chancellor *.

THE encouragement which James had been prevailed on to give towards the diſcovery of the iniquitous practices of the times, was too great to make an honourable retreat. Buckingham and the chancellor could not both be preſerved without the diſſolution of the parliament, and ſuch a ſtep muſt have tacitly condemned both the monarch and the miniſter, whoſe reputations could no otherwiſe be preſerved but by the ſacrifice of
Ann. 1621. their corrupt inſtruments. James was ſo ſolicitous to clear himſelf from any imputation of blame, that during the courſe of the enquiries, he came to the houſe of Lords, and made uſe of the ſtrongeſt terms to profeſs his innocence †, and deſire of juſtice on the delin-

* In the complaint which the Commons brought up againſt the lord chancellor, Dr. Field, the biſhop of Landaff, was accuſed of brocage in a bribe intended for the chancellor. *Parliam. Hiſt.* vol. V. p. 351, *& ſeq.*

† The houſes had been told, that he had done nothing in theſe caſes

quents. Thus encouraged, the Lords proceeded with zeal. An accuſation of four-and-twenty articles of bribery, was brought into their houſe by the Commons againſt the chancellor. This unfortunate tool of government was even obliged to abandon his defence. The king would not hazard his appearing to plead his cauſe. An ample confeſſion of the whole charge, with ſome trifling extenuations, was ſigned by him, with an humble petition for a favourable ſentence *. Thus ig-
Ann. 1621. Bacon's fall. Parliam. Hiſt.

caſes without having referred the ſame to ſeveral judges for the point of law, and to divers lords for the point of commodity. Theſe were the lord chancellor, three of the judges, and ſerjeant Finch.

In the ſpeeches he made on this occaſion he ſaid, "That if the enormities complained of had been laid before him, he would have puniſhed the delinquents as ſeverely out of parliament, and peradventure more than the parliament intended to puniſh them." He told the houſe, "That he believed their body had bribed his ſon to do good offices for them." And added, "The like I may ſay of one that ſits there—Buckingham: He hath been ſo ready upon all occaſions to do good offices both for the houſe in general, and every member thereof in particular." Parliam. Hiſt.

James, amongſt others of theſe kind of cajolements, praiſed much the intention of a bill againſt informers. "Such a bill, ſaid he, will be the greateſt eaſe, both to me and all thoſe that are near about me at court, that may be; for I remember that ſince the beginning of this parliament Buckingham hath told me, He never found ſuch quiet and reſt as in this time of parliament, from projectors and informers, who, at other times, miſerably vexed him at all hours." He told the Lords, "That he acknowledged their houſe to be the ſupreme court of juſtice, in which he was ever preſent by repreſentation; that he could not give them a greater aſſurance nor better pledge of his purpoſe, than by the honour he had done them of placing his only ſon among them."

* One of the articles of his charge is to this purpoſe: The vintners in London refuſed to give above a certain price for wine; the merchants complained to the council; the king made a reference to the

Ann. 1621. nominious was the fall of the famous Bacon, deſpicable in all the active part of life, and only glorious in the contemplative. Him the rays of knowledge ſerved but to embelliſh, not enlighten; and philoſophy itſelf was degraded by a conjunction with his mean ſoul *. He did not ſurvive, above five years, this public diſgrace. We are told that he often lamented that ambition and falſe glory had diverted him from ſpending his whole time in the manner worthy of his extenſive genius; but there is too much reaſon to believe from his conduct, that theſe ſentiments aroſe from the weight of his mortifications, and not from the conviction of his judgment. He preferred many mean applications to James, and continued to flatter him ſo far, as to paint his grandfather, Henry the Seventh †, in an amiable light. This management obtained the pardon of his whole ſentence, which was, A fine of forty thouſand pounds, impriſonment in the Tower during the king's pleaſure, to be for ever incapable of any office, place, or employment in the commonwealth, and never

chancellor; the chancellor ordered the vintners to give the price demanded, and impriſoned two or three of the moſt obſtinate, till they complied. For his pains he received a preſent of one thouſand pounds. *Bacon's Submiſſion. State Trials*, 2d edit. vol. I. p. 364.

"It may ſeem to us remarkable, ſays an ingenious writer, that Bacon was not accuſed for arbitrary proceedings, but for corruption."

* During the time he had the ſeals, he received a number of letters from Buckingham in favour of different people who had cauſes depending in Chancery. There is great reaſon to believe that every one of theſe mandates were implicitly obeyed by the obedient chancellor. Theſe letters are in a late collection publiſhed by Dr. Birch.

† James idolized the character of this monarch, and affected to reſemble him. It was at his deſire that Bacon undertook this work.

to ſit again in parliament, or come within the verge of the court. Beſides the favour of a pardon, he retained a nominal penſion of eighteen hundred pounds a-year; but through the deficiency of its payment he languiſhed out the remainder of his life in indigent circumſtances *. It is needleſs for an hiſtorian to deſcribe the ſtrength or extent of his genius; his precious bequeſts to poſterity paint them ſtronger than can any other pen. Ann. 1621.

WILLIAMS received the advantage of the counſel that was ſo fatal to Bacon: Buckingham, having no other creature in whoſe underſtanding and compliance he could ſo thoroughly confide, depoſited the ſeals in his hands, with the title of lord keeper inſtead of lord chancellor; this office ſo nominated being held at the king's pleaſure †. The delinquents of an inferior order met Hacket's Life of Williams.

* It appears from Letters, &c. publiſhed by Dr. Birch, that James made a kind of promiſe that Bacon's fortune ſhould not be affected by his diſgrace. This promiſe was ſo ill kept, that, in a letter of Bacon's to the king (in the ſame collection), he complains, that the penſion of eighteen hundred a-year, which he had enjoyed during his proſperity, was ſtopt, and that there was eight hundred pounds in arrears due upon it. Among the many petitions he preferred to Buckingham for a ſubſiſtence, he deſcended to aſk the provoſtſhip of Eaton ſchool, and was denied. York-houſe and his manor of Gorhambury were ſold to pay his debts, and himſelf reduced to take up with a lodging in Gray's-Inn, which he inhabited whilſt he was a practical lawyer.

† This important alteration, with the giving of the ſeals to a churchman, not bred in the knowlege of the laws, and the doctrine of whoſe profeſſion taught him implicit obedience to the throne, fully demonſtrate an intention in James to ſubject the civil juriſdiction to royal caprice. All the precedents of beſtowing this place to other than

Ann. 1621. with a puniſhment no leſs ſevere than Bacon's. Sir Giles Mompeſſon was degraded from the order of knighthood, ordained to ſtand perpetually in the degree of a perſon out-lawed, his teſtimony to be received in no court, to be excepted out of all pardons hereafter to be granted, to be impriſoned during life, not to approach within twelve miles of the courts of the king and prince, nor of the king's high courts uſually holden at Weſtminſter, his lands for life to be forfeited to the king, to undergo fine and ranſom at ten thouſand pounds, to be diſabled to hold any office in the commonwealth, and, laſtly, to be ever held an infamous perſon *. Sir Francis Mitchel, a neceſſitous juſtice of

Parliam. Hiſt. vol. V. p. 385.

than a lawyer happened in times when the common law of England was neither ſo full nor ſo well eſtabliſhed as it was at this period.

* Though Sir Edward Coke had quoted many precedents to prove that the lower houſe had in itſelf the power of puniſhment, and that judicial, yet the Commons for the preſent waved this pretenſion, and yielded the point of ſentence to the Lords. Moreover, it had been ordered, that whatſoever ſhould be delivered by Sir Edward Coke ſhould be concealed, upon pain of cenſure, till the conference with that houſe was paſt.

The Lords had requeſted that thoſe members who were the accuſers of Sir Giles Mompeſſon ſhould be put upon oath. A long debate enſued upon this demand, in which many ſtrong arguments were urged by Sir Edward Coke, Mr. Glanville, Mr. Noye, and others, that it would be againſt the honour of the houſe to yield this point to the Lords. An apprehenſion leſt a diſpute at this critical time ſhould fruſtrate the deſired condemnation, determined the reſult to be a compliance with the requeſt of the upper houſe. Mr. Noye moved it ſhould be entered, "It was ſo ordered by the motion of the parties themſelves that were to be ſworn, with a proteſtation hereupon on the meſſage, and for that the cauſe is of an extraordinary nature, and that they cannot judge of it there, as we here, becauſe we had Sir Giles Mompeſſon preſent, they have not."

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the peace, was found to be concerned in ſome of the oppreſſive patents: His ſentence was degradation, impriſonment during the king's pleaſure, a fine of one thouſand pounds, and to be diſabled from holding any office under the king or commonwealth *. Ann. 1621.

Sir Henry Yelverton, who was at this time a priſoner in the Tower, from a ſentence of the ſtar-chamber, for having enlarged a charter given to the city of London beyond the king's warrant, was accuſed in this buſineſs of illegal grants. He had obtained the office of attorney-general by the means of Somerſet; his adherence to his patron had rendered him the object of Buckingham's averſion, who had actually ſtirred up the proſecution againſt him, and had aſſumed ſo inſolent a carriage, even on his firſt favour from James, as to make uſe of this ſcoffing expreſſion, "That he would make Yelverton the pooreſt attorney in England." From a continuation of the ſame animoſity, James was incited to propoſe to the Lords to give up his priſoner to the rigor of their judgment. Yelverton was brought to their Cabala.

* The manner of his degradation was as follows: He was brought by the ſheriffs of London to Weſtminſter-hall; then followed the commiſſioners for the office of earl marſhal; Sir Francis Mitchel was brought before theſe, and his ſentence read by a purſuivant; his ſpurs were hacked in pieces by the ſervants of the commiſſioners, and thrown away; his ſilver ſword was taken from his ſide, broke over his head, and flung away; then he was pronounced no longer to be a knight, but a knave. Cambden's Annals.

This wretch was impriſoned in the gaol at Finſbury-fields, in the ſame chamber that he had provided for others; the place of his impriſonment was part of his ſentence.

bar,

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* "My moſt noble lords, ſaid he, knowing that my lord of Bucking was ever at his majeſty's hand, ready, upon every occaſion, to hew me down, out of the honeſt fear of a ſervant, not to offend ſo gracious a maſter as his majeſty hath ever been to me, I did commit them, viz. the ſilk-men.

"As to the patent of inns, I cannot but herein bemoan my unhappineſs, that in the laſt cauſe labouring by all means to advance the profit of his majeſty, and in this, with the ſight almoſt of my own ruin, to preſerve his majeſty's honour and the quiet of the people, I am yet drawn in queſtion, as if I had equally diſhonoured his majeſty in both.

"When Sir Giles ſaw I would not be moved to offend his majeſty by his directions, I received a meſſage from Mr. Emerſon, ſent me by Sir Giles, that I would run myſelf upon the rocks, and that I ſhould not hold my place long, if I did thus withſtand the patent of inns, or to that effect. Soon after came Sir Giles himſelf, and like a herald at arms told me, That he had this meſſage to acquaint me with from my lord of Buckingham, that I ſhould not hold my place a month if I did not conform myſelf in a better manner to the patent of inns, for my lord had obtained it by favour, and would maintain it by his power.

"How could I but ſtartle at this paſſage? I ſaw here was a great aſſuming of power to himſelf, to place or diſplace an officer at his pleaſure: I ſaw myſelf caſt upon two main rocks, either treacherouſly to forſake the ſtanding his majeſty had ſet me on, or elſe to endanger myſelf by a bye-blow, and to hazard my fortune.

"I humbly beſeech your lordſhips to think, that nature will ſtruggle, when ſhe ſees her place and means of living thus aſſaulted; for now it was come to this, Whether I would obey his majeſty or my lord, if Sir Giles ſpoke true: Yet I reſolved on this to be as ſtubborn as Mordecai, not to ſtoop, or paſs thoſe gracious bounds his majeſty had preſcribed to me.

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"Howbeit, I dare ſay, if my lord of Buckingham had read the articles exhibited in this place againſt Hugh Diſpenſer; and had known the danger of placing and diſplacing officers about a king, he would not have purſued me with ſuch bitterneſs. But, my oppoſing his lordſhip in the patent of inns, in the patent of alehouſes, in the Iriſh cuſtoms, and in Sir Robert Naunton's deputation of his place in the court of wards, have been my overthrow. For theſe I ſuffer at this day in my eſtate and fortune (not meaning to ſay as I take it, but as I know, for my oppoſition to his lordſhip) above twenty thouſand pounds." *Parliam. Hiſt.* vol. V. p. 436, *& ſeq.*

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Ann. 1621. punction or oſtentation, remitted the five thouſand marks, for which he received Yelverton's thanks in the houſe. The lords agreed to move the king to mitigate the large fine, and the prince of Wales, who was preſent *, offered to undertake that office. Thus far the king and both houſes went on with the utmoſt unanimity; but the king now began to grow extremely jealous of thoſe ſharers in his authority, and looked upon the ſacrifices he had already made as ſufficient to deſerve an ample reward.

THE Commons, though they were willing to ſeize on every opportunity to render even minute ſervices to their country, yet regarded the conceſſions that had been made them as trifling in compariſon to the corrupt meaſures that ſtill exiſted, and that looked with a threatning aſpect on the intereſt and laws of their country, and the religion they were devoted to. To an addreſs they had made the king, not to ſuffer a large parcel of ordnance that lay yet on the key to be tranſported to Spain, they received no further ſatisfaction, than that the king was aſſured from his brother monarch that theſe arms were not to be uſed againſt the Palatinate.

THE ſpeech uttered from the throne at the beginning of the ſeſſions left them no room to hope, that the king had dropped the unpopular and miſchievous treaty with the court of Spain; but rather confirmed them in the

* The prince of Wales, by the ſpecial appointment of the king, had been preſent during all the tranſactions of this ſeſſions. Under the guiſe of a compliment he was placed in this houſe to over-awe the popular lords.

aſſurance

aſſurance that his blindneſs and obſtinacy were proof Ann. 1621.
both againſt the arguments of reaſon, and the ſtronger pleadings of natural affection. Conſiderations like theſe made them eſpouſe the cauſe of the palatine-family with a zeal that deſcended to a captious minuteneſs. One Edward Lloyd, a papiſt, in talking of the king and queen of Bohemia, had made uſe of the ſcoffing terms of Good-man and Good-wife Palſgrave. Trifling as was this charge, and weakly ſupported, Lloyd was brought upon his knees, and the whole houſe fell into a debate, in which there was a ſtrife among the members who ſhould propoſe the ſevereſt puniſhment. After vehement altercations, it was reſolved, that Lloyd ſhould be thrown into a dungeon, be three times pilloried, ride through London, with his face to the tail of the horſe, holding the tail in his hand, and a paper in his hat denoting his offence, and that he ſhould be fined one thouſand pounds.

THE Lords took fire at this encroachment, as they termed it, of the Commons, and the king, who was much diſpleaſed with theſe enlarged pretenſions, ſent an interpoſing meſſage, in which he thanked the Commons for the concern they had expreſſed for his family, but deſired them to ſtay proceedings till they had anſwered theſe queries. Whether the power of their houſe extended to examine and puniſh thoſe that were not members of it? Whether a party denying, as Lloyd did, ought to be cenſured without an accuſation upon oath? The Commons made ſome attempts to get over theſe objections. It was urged, that the two houſes having been formerly in one, and ſeparating only for conve-

Ann. 1621. niency, the houſe of Commons retained all the power of the houſe of Lords. Others were for making this caſe a precedent. But, after many conferences between the two houſes, the Commons dropped their claim, and the judgment was referred to the Lords, who added to the ſevere ſentence of the Commons, whipping, branding, and perpetual impriſonment *. Thus did an indiſcreet zeal hurry on the patrons of liberty to an infringement of its ſacred laws, by a judgment no leſs arbitrary than ſevere.

On the concluſion of this affair, the following proteſtation was drawn up in the name of both houſes: "That the proceedings paſſed in the houſe of Commons againſt Edward Lloyd be not at any time hereafter drawn or uſed as a precedent to the enlarging or diminiſhing of the lawful rights or privileges of either houſe; but that the rights and privileges of both houſes ſhall remain in the ſelf-ſame plight as before."

Parliam. Hiſt. The harmony which had till now appeared to ſubſiſt between the three ſtates, was entirely diſſolved. James was ſo diſguſted with the high claims of the Commons that he could no longer ſuffer their ſitting: The intention of an adjournment was mentioned in the houſe by ſecretary Calvert. The Commons looked on it to be an expedient to evade paſſing the bills then depending

* This Lloyd, thus ignominiouſly treated, was a man of education, and poſſeſſed of a good eſtate, a lawyer, and a juſtice of peace in the county of Salop. Immediately after this ſevere ſentence was paſſed upon him, a bill went through both houſes for exempting the gentry of this realm from the ſervile punihment of whipping.

before them for the redreſs of grievances, and were ſo Ann. 1621.
inflamed by the apprehenſion, that they diſputed the king's privilege of adjourning the parliament, and invited the Lords to join in a petition againſt it; the Lords acted in their uſual manner; the king thanked them for having refuſed to concur in the inſolent carriage of the Commons, and added, "That if they thought it neceſſary, he would gratify them with a farther ſitting for eight or ten days, but he would not now yield to the requeſt of the lower houſe." The Lords obtained this delay to be lengthened to a fortnight longer, but the Commons refuſed the offer, as the time was too ſhort to complete their buſineſs, and continued to draw up petitions of grievances *. They were preſented to the king by the archbiſhop of Canterbury, who performed his part with the ſpirit of true patriotiſm. James received theſe petitions with ſuch diſtaſte that the Commons found they had no time to loſe, and in all haſte drew up a declaration that teſtified their willingneſs, upon proper ſignification of the king's pleaſure in parliament, to give all neceſſary aſſiſtance towards the recovery of the Palatinate. The king's commiſſion for an adjournment now came down to the houſe; the po-

* One of theſe grievances was the tranſportation of ordnance. Sir Thomas Roe had told the houſe, that an hundred guns laying yet on the keys were to be ſent to Portugal, and there to be mounted on twelve ſhips, which were to be employed againſt the Engliſh in the Eaſt Indies. The Commons immediately deputed a ſelect body to move the king to ſtay the ordnance. To this petition he returned anſwer, "That he had aſſurances from the king of Spain, that they ſhould only be converted againſt pirates; that he had lately made a new promiſe, but would, for the time to come, paſs a bill to reſtrain any more tranſportation."

Ann. 1621. Parliament adjourned.

pular members oppoſed reading it; but the obedient ſpeaker * pronounced, according to the commiſſion, the houſe to be adjourned till the fourteenth of November †.

Wilſon.

THE leſſer nobility were greatly offended at the multitude of lately-created Scotch and Iriſh earls and viſcounts, to whoſe titular diſtinction they were obliged to yield precedency, though they were not peers of England. Thirty-three noblemen preferred a petition to the king, in which they deſired to be excuſed from yielding this point in the common ceremonies of ſociety. During the receſs of parliament a cajoling proclamation declared, that the abuſes complained of ſhould be redreſſed by regal authority, that the aſſiſtance of parliament was not neceſſary to reform them, and that they would have been reformed before if they had been known. Laſtly, the ſubjects were aſſured, that both the king's ears, and thoſe of his privy-council, would be

* Serjeant Richardſon was ſpeaker. He had received a cenſure from the houſe for his irregular behaviour in leaving the chair when the conduct of any of the ſtate-officers was called in queſtion, or mentioned in a manner that was diſagreeable to the court. *Guthrie*, p. 754.

† Immediately preceding the adjournment of the two houſes, the offence which Dr. Feild, the biſhop of Landaff, had committed, was examined in the houſe of Lords. He was found guilty of a deſigned brocage in bribery. Neile, biſhop of Durham, moved, "That ſince there was nothing proved againſt Dr. Feild but an intent, that the conſideration of it ſhould be referred to the archbiſhop of Canterbury, and he to give the biſhop an admonition in the convocation-houſe." The Lords agreed to this motion, and ſent a meſſage to the lower houſe concerning the nature of the miſdemeanor which had been proved againſt Dr. Feild. *Parliam. Hiſt.* vol. V. p. 450, *& ſeq.*

open

open to their modeſt and juſt complaints. Another followed this, which forbid the converſing upon ſtate-affairs, and threatened ſevere penalties both againſt the concealers and utterers of theſe ſpeeches. Ann. 1621.

Re-meeting of the parliament.

THE parliament, after a ſecond adjournment, re-aſſembled on the eighth of February. The Lord Digby, who had been travelling all over Germany, to perſuade the emperor and his partiſans to give up the advantages they had gained by their late victories, gave the parliament ſo full an account of his fruitleſs negotiations, that there remained no covering to hide the folly of James's conduct, or the groſs impoſitions to which his fond credulity had ſubjected him. Stung by theſe informations, the Commons drew up a petition and remonſtrance that expreſſed their ſenſe of his trifling management, ſet forth the cauſes of the increaſing hopes of the popiſh party, the fears and apprehenſions of the proteſtants, and pointed out the remedies for theſe growing evils. The Commons, in this remonſtrance, freely repreſented all James's unpopular management with papiſts, both at home and abroad, offered their advice that a war ſhould be immediately declared and entered upon, and the king's ſon married to a proteſtant princeſs.

IT would be difficult to deſcribe James's extreme indignation on hearing the ſubject of this remonſtrance; all the tender points of prerogative, of which he was ſo highly tenacious, were here ſenſibly affected; and a formal attack upon an alliance that was the ultimate object of his hopes and inclinations. Inflamed by

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Ann. 1621. ſuch ſtinging provocations, he aſſumed a courage foreign to his nature, and ventured to bully the Commons in this fiery letter to the ſpeaker. "We have heard by divers reports, to our great grief, that our diſtance from the houſes of parliament, cauſed by our indiſpoſition * of health, hath emboldened ſome fiery and popular ſpirits of ſome of the houſe of Commons, to argue and debate publicly matters far above their reach and capacity, tending to our high diſhonour, and breach of prerogative-royal. Theſe are therefore to command you to make known, in our name, unto the houſe, that none therein ſhall preſume henceforth to meddle with any thing concerning our government, or deep matters of ſtate; and namely, not to deal with our deareſt ſon's match with the daughter of Spain, nor to touch the honour of that king, or any other our friends and confederates; and alſo not to meddle with any man's particulars, which have their due motion in our courts of juſtice. And whereas we hear they have ſent a meſſage to Sir Edwin Sands, to know the reaſon of his late reſtraint, you ſhall in our name reſolve them, that it was not for any miſdemeanor of his in parliament, but to put them out of doubt of any queſtion of that nature that may ariſe among them hereafter; you ſhall reſolve them in our name, that we think ourſelves very free and able to puniſh any man's miſdemeanors in parliament, as well during their ſitting as after, which we mean not to ſpare hereafter upon any occaſion of any man's inſolent behaviour there, that ſhall

* The king was now at Newmarket, on the pretence of ſickneſs. *Wilſon.*

be

be miniſtred unto us; and if they have already touched Ann. 1621.
any of theſe points which we have here forbidden, in any petition of theirs which is to be ſent unto us, it is our pleaſure that you ſhall tell them, that except they reform it, before it comes to our hands, we will not deign the hearing or anſwering it."

THIS letter was received and anſwered by the Commons, with that calmneſs and ſteadineſs as ſufficiently expreſſed the knowledge of their own ſtrength and dignity, and the contemptible light in which they viewed their antagoniſt. They ſent back for their former remonſtrance, but returned it with another that vindicated their juſt pretenſions, and expreſſed a ſorrow for James's mis-interpretations. To theſe James returned a copious anſwer *, in which the indignant monarch denounced

* Amongſt other curious paſſages in this anſwer are the following ones, on the ſubjects of religion, the king of Spain, and the prince's match.

"But becauſe we conceive that ye couple this war of the palatinate with the cauſe of religion, we muſt a little unfold your eyes herein: The beginning of this miſerable war, which hath ſet all Chriſtendom on fire, was not for religion, but only cauſed by our ſon-in-law's haſty and harſh reſolution, following evil counſel, to take to himſelf the crown of Bohemia; and that this is true, himſelf wrote letters unto us at that time, deſiring us to give aſſurance both to the French king and ſtate of Venice, that his accepting of the crown of Bohemia had no reference to the cauſe of religion, but only by reaſon of his right of election, as he called it; and we would be ſorry that ſuch aſperſion ſhould come upon our religion as to make it a good pretext for dethroning of kings, and uſurping their crowns; and we would be loth that our people here ſhould be taught that ſtrange doctrine: No, let us not ſo far wrong the jeſuits as to rob them of their ſweet poſitions and practices in that very point. And whereas

Ann. 1621. war againſt all the claims of the Commons, and expoſed his own illegal view of government. " The difference is no greater, ſays he, in your pretending to adviſe us on our expoſing our reaſons for demanding a ſupply, than if a merchant, that we had great need to borrow money from him for raiſing an army, that thereupon it would follow that we were bound to purſue his advice in the direction of the war, and all things depending thereupon." The whole of this anſwer breathes the ſame ſpirit of deſpotiſm, as may be found in this example. It finiſhes in the following extraordinary man-

you excuſe your touching upon the king of Spain upon occaſion of the incidents by you repeated in that place, and yet affirm, that it is without any touch to his honour, we cannot wonder enough that ye are ſo forgetful both of your words and wits: for in your former petition ye plainly affirm, that he affects the temporal monarchy of the whole earth, than which there can be no more malice uttered againſt any great king, to make all other princes and potentates both envy and hate him; but if ye liſt, it may eaſily be tried whether that ſpeech touched him in honour or not, if ye ſhall aſk him the queſtion, Whether he means to aſſume to himſelf that title or no? for every king can beſt judge of his own honour. We omit the particular ejaculations of ſome foul-mouthed orators in your own houſe againſt the honour of that king's crown and eſtate.

" And touching your excuſe of not determining any thing concerning the match of our deareſt ſon, but only to tell your opinion, and lay it down at our feet; firſt, we deſire to know how you could have preſumed to determine in that point, without committing of high treaſon; and next, you cannot deny but your talking of his match after that manner was a direct breach of our commandment and declaration out of our own mouth, where we plainly profeſſed, that we were in treaty of his match with Spain, and wiſhed you to have that confidence in our religion and wiſdom, that we would ſo manage it as our religion ſhould receive no prejudice by it." *Parliam. Hiſt.* vol. V. p. 497, & *ſeq.*

ner:

ner: " And though we cannot allow of your ſtile in Ann. 1621.
mentioning your ancient and undoubted right and inheritance, but could rather have wiſhed that ye had ſaid, that your privileges were derived from the grace and permiſſion of our anceſtors and us (for moſt of them grow from precedents, which ſhews rather a toleration than inheritance) yet we are pleaſed to give you our royal aſſurance, that as long as you contain yourſelves within the limits of your duty we will be as careful to maintain and preſerve your lawful liberties and privileges as any of our predeceſſors were, nay, as to preſerve our own royal prerogative; ſo as your houſe ſhall only have need to beware to trench upon the prerogatives of the crown, which would enforce us, or any juſt king, to retrench them of their privileges that would pare his prerogative and flowers of his crown." Williams adviſed that the harſhneſs of this anſwer ſhould be mitigated, with a letter from the king to the two houſes. James, finding that the Commons were determined not to enter on buſineſs, followed the advice in ſome meaſure, and wrote again to the ſpeaker and ſecretary Calvert, offering to oblige the Commons with the grant of a requeſt they had made for a general pardon; this ſecond letter ſtill inſiſting that the liberty of the houſes was derived from royal favour. The Commons, before they were diſſolved, entered this proteſtation in vindication of their parliamentary rights.

" THE Commons now aſſembled in parliament, juſtly occaſioned thereunto concerning ſundry liberties, franchiſes, and privileges of parliament, amongſt others here mentioned, do make this proteſtation following:

Ann. 1621. Proteſtation of the Commons.

"THAT the liberties, franchiſes, privileges, and juriſdictions of parliament, are the ancient and undoubted birth-right and inheritance of the ſubjects of England, and that the arduous and urgent affairs concerning the king, ſtate, and defence of the realm, and of the church of England, and the maintenance and making laws, and redreſs of grievances which daily happen within this realm, are proper ſubjects and matter of council or debate in parliament, and that in the handling and proceeding of theſe buſineſſes every member of the houſe of parliament hath, and of right ought to have freedom of ſpeech, to propound, treat, and bring to concluſion the ſame; and that the Commons in parliament have like liberty to treat of theſe matters in ſuch order as in their judgment ſhall ſeem fitteſt; and that every member of the ſaid houſe hath like freedom from all impeachment, impriſonment, and moleſtation, other than by ſentence of the houſe itſelf, for or concerning any ſpeaking, reaſoning, or declaring, any matter or matters touching the parliament or parliament-buſineſs; and that if any of the ſaid members be complained of and queſtioned for any thing done or ſaid in parliament, the ſame is to be ſhewed to the king, by the advice and aſſent of all the Commons aſſembled in parliament, before the king give credence to any private information *."

* The following ſpirited arguments had been urged in the houſe for the drawing up this declaration.

Mr. Crew. Our inheritance not matter of grace nor toleration; this of that importance to us, that if we ſhould yield our liberty to be but matter of grace, theſe walls that have known the holding them theſe many years would bluſh. Magna Charta, above thirty times confirmed,

THIS proteſtation was by the king himſelf ſtruck out of the journal-book, and the parliament was afterwards diſſolved by a proclamation, which ſet forth, "That the king was conſtrained to this act by the undutiful behaviour of the lower houſe *." This premature end of the parliament loſt all the bills then depending for the good of the ſubject †. Ann. 1621. Diſſolution of the parliament.

SIR John Bennet, a judge of the prerogative-court at Canterbury, who had been impeached by the Commons

firmed, confirmeth all our liberties; this, but the confirmation of the common law.

Sir Ed. Coke. The law of England is the ſubject's beſt birth-right, becauſe it defendeth all he hath. Magna Charta is nominated *Charta Libertatis*, becauſe it maketh free men; our privileges *in ſummo gradu*, our privileges here are the mother and nurſe of all good laws—the cenſure of great men—the reforming of grievances.

Mr. Glanville. The king is to have the honour of a requeſt for enjoying our privileges, but hath not the power of a refuſal. *Journ. of the Commons*, vol. I. p. 665, *& ſeq.*

* One of the charges againſt the Commons in this proclamation is for ſpeaking diſreſpectfully of foreign princes.

"Howbeit, we are all well ſatisfied of the good inclination of moſt part of our houſe of Commons, teſtified by their ready aſſent to the ſpeedy payment of a ſubſidy newly to be granted; yet, upon this occaſion, ſome particular members of that houſe took ſuch inordinate liberty, not only to treat of our high prerogatives, and of ſundry things, that, without our ſpecial direction, were no fit ſubjects to be treated of in parliament; but alſo, to ſpeak with leſs reſpect of foreign princes our allies, than was fit for any ſubject to do of any anointed king, though in enmity and hoſtility with us." *Parliam. Hiſt.* vol. V. p. 521.

† The only acts that paſſed this ſeſſions were three entire ſubſidies granted by the ſpirituality, and two entire ſubſidies granted by the temporality. *Vid. Statutes at Large.*

for

Ann. 1621. for bribery and corruption, and bound to appearance for the large ſum of nineteen thouſand pounds, by this means eſcaped the puniſhment his miſdemeanors deſerved.

AMONGST the many motions that were made this ſeſſions, one of Buckingham's related to an academy for the bringing up of the nobility and gentry of this kingdom. Though this was introduced in the very midſt of the enquiries after bribery and corruption, the houſe had the compliance to approve of the motion, and adjourned itſelf that the matter might be diſcuſſed. Another material point took up much time, and occaſioned a long debate, at the ſame important criſis; viz. How to give equality of precedence to the two univerſities, in the ſubſidy-bill granted by the laity. On a debate in the committee of the upper houſe on the cuſtoms and privileges of the peers, the opinion of two judges who were appointed to attend the committee was aſked; they refuſed to give an opinion, becauſe the matter propoſed touched the king's prerogative: This refuſal was very diſpleaſing to the Lords; they ordered that both the judges ſhould attend the houſe to anſwer the affair. A bill paſſed both houſes for confirming an hoſpital endowed by Thomas Sutton, with a large eſtate of eight thouſand a-year, beſides thirteen thouſand pounds paid to the earl of Suffolk for the charter-houſe, and ten thouſand pounds laid out on the building. This foundation was for eighty decayed gentlemen and forty boys. It retains the name of the Charter-houſe to this day.

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MR. Shepperd, a young member of parliament, had Ann. 1621. given ſo great an offence by oppoſing, in an intemperate manner, a bill for the better obſerving the Lord's-day, that he was expelled the houſe.

CHAP. VII.

The unjuſt treatment of Sir Edward Coke.——The impriſonment of ſeveral members of parliament, and others.——Tranſer of the electoral dignity from prince Frederic to the duke of Bavaria.——Negotiations with Spain.——The prince of Wales's journey to Madrid.——Tranſactions during the prince's ſtay at Madrid.——His return to England.

THE preſent diſtreſſed ſtate of the proteſtants throughout all Chriſtendom, excited a great degree of fearful apprehenſion, from the abrupt diſſolution of the laſt parliament. In Germany the conqueſts of the catholics were marked with the moſt bloody acts of cruelty and tyranny. The executions which were daily practiſed amongſt the wretched Bohemians, with the diſtreſſes of the unfortunate Palatine, deterred their eccleſiaſtical brethren from attempting any oppoſition to the formidable deſigns of the houſe of Auſtria. The proteſtants in France were in as hopeleſs a ſituation: Theſe had been promiſed aſſiſtance from James, and baſely deſerted; they were now overwhelmed by the united parties of the catholics with the queen-mother and her ſon at their head. All their ſtrong towns were at this time beſieged or taken. The catholic cauſe began even to revive in England; its votaries not only aſpired to a toleration, Diſtreſſed ſtate of the proteſtants.

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CHAP. VII.

The unjuſt treatment of Sir Edward Coke.——The impriſonment of ſeveral members of parliament, and others.——Tranſer of the electoral dignity from prince Frederic to the duke of Bavaria.——Negotiations with Spain.——The prince of Wales's journey to Madrid.——Tranſactions during the prince's ſtay at Madrid.——His return to England.

THE preſent diſtreſſed ſtate of the proteſtants throughout all Chriſtendom, excited a great degree of fearful apprehenſion, from the abrupt diſſolution of the laſt parliament. In Germany the conqueſts of the catholics were marked with the moſt bloody acts of cruelty and tyranny. The executions which were daily practiſed amongſt the wretched Bohemians, with the diſtreſſes of the unfortunate Palatine, deterred their eccleſiaſtical brethren from attempting any oppoſition to the formidable deſigns of the houſe of Auſtria. The proteſtants in France were in as hopeleſs a ſituation: Theſe had been promiſed aſſiſtance from James, and baſely deſerted; they were now overwhelmed by the united parties of the catholics with the queen-mother and her ſon at their head. All their ſtrong towns were at this time beſieged or taken. The catholic cauſe began even to revive in England; its votaries not only aſpired to a toleration, Diſtreſſed ſtate of the proteſtants.

Ann. 1621. but to an enjoyment of equal privileges with the eſtabliſhed church. Theſe were not the dreams of ſanguine zealots, but founded on rational hopes drawn from the approaching union of the court of England with the houſe of Auſtria. The well-grounded fears and reſentment which this ſtate of affairs excited in the minds of the Britiſh ſubjects, had been legally expreſſed by their repreſentatives in parliament; but the inſolent and violent carriage it occaſioned in their ſovereign left them no room to hope that his fatal prejudices would admit of cure. To the dangerous ſyſtem he had adopted, and ſteadily adhered to, might be attributed, though from a remote influence, that ruin which threatened all the reformed, and the oppreſſion to which many of them were at preſent ſubjected.

EMANCIPATED from the reſtraint of parliament, James was at full liberty to purſue his plan of negotiation, and ſettle the affairs of Europe, by the importance of his character, and the ſplendor of his embaſſies. But that they had as yet produced little effect in favour of the forſaken king of Bohemia, a letter wrote at this time, from the emperor to Don Balthazar de Zuniga, will ſhew. The emperor magnifies his own victories, and the diſtreſſed ſtate of the Calviniſts, with their chief the elector Palatine; "Whom if, by an impious kind of commiſeration (writes he) I ſhall reſtore, and nouriſh in my boſom, as a trodden half-living ſnake, what can I expect leſs than a deadly ſting from him, who, in regard of his guilt, can never be faithful, but will always gape for an occaſion to free himſelf from his fears; and the genius of whoſe ſect will make him an

an enemy, or an unſound friend, to the houſe of Auſtria." Ann. 1621.

Unjuſt treatment of Sir Edw. Coke.

SEVERAL members of parliament, who had ſhewn themſelves the moſt forward in the cauſe of religion and liberty, were committed to priſon. Sir Edward Coke, whoſe generous temper could not long endure the ſervility of court-dependance, was of this number. The meaſure he ſuffered of unjuſt perſecution was made up to him by an increaſe of reputation; indeed his abilities never before ſhone in a light ſo conſpicuouſly admirable. The drudging lawyer, animated by the brightneſs of his cauſe, improved into the perſuaſive orator: His talents were at this time ſo remarkable, that it is alledged, the ſucceeding patriots made his harangues their models of elocution. Such was the malice of offended royalty, and ſuch the infamy of its tools, that two wretches, named Lepton and Goldſmith, were inſtigated by Bacon, the late chancellor, to charge Coke with eleven articles of miſbehaviour as a judge and a lawyer. Theſe facts were judged by the houſe to be falſe and frivolous, nor could they be proved in the ſtar-chamber, where Coke was perſecuted with great acrimony. His papers were ſeized after the diſſolution of the parliament, himſelf denied the ſatisfaction of converſing with his wife or children, and the talk of the courtiers was that his life might be affected *. Sir Robert Philips, Pym,

* The council debating about the general pardon that was to have paſſed the laſt parliament, had conſidered about the ways of excluding Sir Edward Coke from that benefit, either by preferring a bill againſt him before the publication of the pardon, or by exempting him by name. *Parliam. Hiſt.* vol. V. p. 525.

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Ann. 1621. Members imprisoned.

Selden, and Mallory, were of the number of committed members. Sir Dudley Diggs, Sir Thomas Crew, Sir Nathaniel Rich, Sir James Perrot, were sent on frivolous errands into Ireland; Sir Peter Hayman and others into the Palatinate. The court at this time assumed the power of employing any man, even without his consent, in any brach of public business. The earls of Oxford and Southampton, Sir Edward Hawlly, Sir George Leeds, Sir Christopher Nevil, and Sutcliff, dean of Exeter, were taken into custody for writing with freedom against the Spanish match. The public was deprived of the services of Sir John Saville, knight of the shire for the county of York, by a different method: He was made comptroller of the household, a privy counsellor, and afterwards a baron. This was the first instance of

Ann. 1622. Rushworth.

that practice of buying off individuals, which, in the hands of succeeding monarchs, has silently and surely effected what James and his son in vain attempted by clamour and violence.

On the decease of Philip the Third of Spain, which happened in the year 1621, the lord Digby was sent to the court of Philip the Fourth to renew and conclude the treaty of marriage between the infanta his sister and the prince of Wales. It was at this time in so little forwardness that letters passed between Philip and Olivares, his prime minister, which utterly disclaimed such an intention. That of Philip is so pertinent and concise that I shall give the whole: "The king my father declared at his death, that his intent never was to marry my sister, the infanta Donna Maria, with the prince of Wales, which your uncle Don Balthazar understood,

derstood, and so treated this match ever with intention to delay it. Notwithstanding it is now so far advanced, that, considering all the averseness unto it of the infanta, it is time to divert the treaty, which I would have you find out, and I will make good whatsoever it be. But in all other things procure the satisfaction of the king of Great Britain, who hath deserved much, and it shall content me, so as it be not in the match." Ann. 1622.

Olivares, in his answer to this letter, acknowledges that the ministers who treated of the match never meant to effect it, but, by enlarging the treaties, to make use of the friendship of the king of Great Britain in the affairs of Germany and Flanders. He proposes a double marriage with the emperor's eldest daughter to the prince of Wales, and the second daughter to the elector palatine's son, as a means to satisfy James, and compose the differences in Germany. Things being in this state, it is no wonder that Digby did not meet with that magnificent reception which an ambassador, coming on so friendly, and so seemingly approved an errand, might have expected. He was suffered to stay two or three days at a poor village near the court, without having any civilities paid him, or even necessaries provided for him.

Negotiations at Brussels.

About this time a kind of negotiation was carried on at Brussels, under the authority of the archduchess, whom the emperor had pretended to have vested with sufficient powers to treat with James concerning the terms of his son-in-law's re-establishment. The terms offered by James were,

Ann. 1622. THAT the king of Bohemia ſhould, for himſelf and his ſon, renounce all pretence of right and claim to that crown:

THAT he ſhould from henceforth yield all conſtant due devotion to the imperial majeſty, as did other obedient princes electors of the empire:

THAT he ſhould crave pardon on his knees of the imperial majeſty:

THAT he ſhould not hereafter, any manner of way, demean himſelf unfittingly towards the imperial majeſty, nor diſturb his kingdoms or countries:

THAT he ſhould, upon reaſonable terms, reconcile himſelf to other princes and ſtates of the empire; and that he ſhould do whatever like thing ſhould be judged reaſonable and neceſſary.

SIR Richard Weſton, the papiſt, was truſted with the management of this buſineſs, as being more agreeable to the party. Moreover, to gain entirely the favour of the archduchefs, James ſuffered four thouſand men to be raiſed in England to ſerve againſt the proteſtants in the Netherlands.

WHEN the commiſſioners began to treat on the intended negotiation, it was objected, that James's ambaſſador could not produce ſufficient powers from the king of Bohemia, and the archduchefs was ſtill to be directed by the court of Vienna; the whole buſineſs being only a ſpecious

a ſpecious pretext to impoſe further on the credulity of Ann. 1622. James.

WHILE this farce was acting at Bruſſels, the king of Bohemia, who had entertained no hopes on the reſult of James's meaſures, ſtole from the Hague, and joined Mansfeild's army in Alſatia. Chriſtian, duke of Brunſwick, and the marquis of Baden Dourlach, each at the head of a ſtrong force, declared themſelves champions for the proteſtant cauſe; the duke of Brunſwick was poſſeſſed of the adminiſtratorſhip of Halderſtadt, which he would have been in danger of loſing, if the Auſtrian arms had made further progreſs in Germany.

THE ray of hope which now dawned upon Frederick's fortune was ſoon obſcured: Prince Baden was defeated by the prince of Anhalt before he could join his allies; and Tilly, general to the duke of Bavaria, forced Mansfeild to retreat, and the duke of Brunſwick to come to an engagement, in which he cut off all his infantry; the duke fled with his cavalry to Mansfeild. Theſe accumulated misfortunes induced Frederick to obey James's reiterated injunctions of returning to Holland, there to wait the ſucceſs of his negotiations. The firſt news that this unfortunate prince heard after his retreat was that Tilly had taken Heidlebergh * by ſtorm, and beſieged Manheim, two towns in the Lower Palatinate. James had prematurely boaſted that his ſon-in-law held that country under his protection.

* The famous library at Heidleberg was ſent from thence to Rome.

Ann. 1622. WHILE affairs were in this deſperate ſituation, the treaty ſtill lingered at Bruſſels, it having been on purpoſe protracted till Tilly, who no longer met with oppoſition, had taken both Heidlebergh and Manheim. James was entirely ſatisfied with the Spaniſh monarch for having, at his deſire, ſent an order for Manheim to be ſpared, till a truce could be concluded. It is to be noted, that this interpoſition did not preſerve Manheim, the order not having been ſent till after it had ſurrendered. Notwithſtanding this circumſtance, James continued to repoſe ſuch confidence in the candor and integrity of the Auſtrian family, that he put Frankendale, the only remaining town of the palatine's dominions, into the hands of the archduchеſs, to be re-ſurrendered at the expiration of a truce of eighteen months. One of the articles of the truce was, that the elector ſhould renounce all connections with the prince of Brunſwic and count Mansfeild.

Transfer of electoral dignity.

BEFORE the concluſion of the treaty, the emperor had transferred the dignity of elector palatine to the duke of Bavaria *, diſmembered both the Palatinates, by giving part of the inferior to the elector of Mentz, and part of the ſuperior to the duke of Newbergh. The elector of Saxony, and ſeveral princes, oppoſed this act, as contrary to the fundamental laws of the empire, which admit not of the diſpoſing of an electorate without the conſent of every member of the electoral college.

* This was at the diet of Ratiſbon. The Spaniſh ambaſſador ſeemingly oppoſed this transfer; all Europe regarded it as a colluſion between the king of Spain and the emperor: Carleton, the Engliſh reſident at the Hague, repreſented it in this light to Buckingham.

WHILST

WHILST even Frederick's enemies murmured at the arbitrary ſeverities practiſed againſt him, James * was ſo little affected by them, that Gondemar wrote word to Spain, that he had lulled the king of England ſo faſt aſleep that he hoped neither the cries of his daughter nor her children, nor the repeated ſolicitations of his ſubjects in their behalf, ſhould be able to awaken him. Ann. 1622.

INCONGRUOUS as were James's meaſures to obvious politics, both himſelf and cabinet plumed themſelves much upon them; and, in order to take proper advantages of the lately-concluded truce, and to obtain a confirmation of the marriage before its expiration, the king of Spain was gratified with an order to releaſe all the popiſh recuſants, which had been impriſoned according to the dictates of the law.

ON a general offence taken at this unlimited indulgence, the lord-keeper Williams wrote a letter to the juſtices, to vindicate the king's conduct. "As the ſun (ſaid he) in the firmament appears to us no bigger than a platter, and the ſtars are but as ſo many nails in the pommel of a ſaddle, becauſe of the enlargement and diſproportion between our eye and the object, ſo is there ſuch an unmeaſurable diſtance between the deep reſolution of a prince, and the ſhallow apprehenſions of common and ordinary people." He then declares that the king was at that time a moſt zealous interceſſor for Ruſhworth.

* In one of the emperor's declarations againſt the elector and his adherents, he urged, that the revolt of the Bohemians had not even met with the approbation of the king of Great Britain. *Ruſhworth.*

ſome

Ann. 1622. ſome eaſe and refreſhment to all the proteſtants in Europe, which were unreaſonable, if he did now execute the rigor of the laws againſt Roman catholics. "But to conclude, ſaid he, from the favour done to the Engliſh papiſts, that the king favours the Romiſh religion is a compoſition of folly and malice, little deſerved by a gracious prince, who, by word, writing, exerciſe of religion, and acts of parliament, hath ſhewed himſelf ſo reſolved a proteſtant."

ABOUT this time the following orders were given to reſtrain popular preachers:

Reſtraint on popular preachers.

THAT no preacher, of what title or denomination ſoever, from henceforth ſhould preſume, in any auditory within this kingdom, to declare, limit, or bound out, by way of poſitive doctrine, the power, prerogative, and juriſdiction of ſovereigns, or otherwiſe meddle with matters of ſtate, and the differences between princes and the people, than as they are inſtructed and precedented in the homilies of obedience:

THAT no preacher, of what title or denomination ſoever, ſhall preſume, cauſeleſly or without invitation from the text, to fall into bitter invectives and indecent railing ſpeeches againſt the perſons of either papiſts or puritans.

WHETHER James began to deſpair of ſucceſs from his pacific meaſures; or whether, more probably, he depended on the credulity of his ſubjects for the draining of their purſes, he demanded at this time a voluntary

luntary contribution for the recovery of the Palatinates by the force of arms. Letters were wrote to the high ſheriffs and juſtices of the peace, to return the names of the contributors, that notice might be taken of thoſe that refuſed. Ann. 1622.

WHILST the people of England were thus amuſed with high language, letters of complaint were continually wrote from the king and his miniſter to the court of Spain. They repreſented James's ſtrong attachment to the Auſtrian family, notwithſtanding the oppoſition he met with from the public ſpirit of the people, and the diſcouragement he had received from the colluſion between their imperial and catholic majeſties, to bubble and abuſe him. They complained that, upon the faith of aſſurances received from Gondemar, the priſons were emptied of popiſh recuſants, and filled with puritans, and the oppoſers of the match. They ſet forth James's merit with the houſe of Auſtria, in perſuading his ſon-in-law to throw himſelf upon the mercy of the emperor; and that, according to that perſuaſion, count Mansfeild and the duke of Brunſwick had received their diſmiſſion; that himſelf, by the incitements of Spain, had broke with France; yet, notwithſtanding theſe graces and conceſſions, even while he was receiving the ſtrongeſt aſſurances of favour to his ſon-in-law from Madrid and Bruſſels, Heidelbergh had been ſacked, and Manheim taken, though garriſoned by Engliſh troops.

No motive leſs conſiderable than the treaty in agitation could have excited James to confeſs himſelf the Negotiations with Spain.

Ann. 1622. dupe to the king of Spain. This was not the only mortification which at this time aſſailed him: He began to apprehend that the purpoſed delays to which the concluſion of the treaty was ſubjected by its firſt article might be drawn on to infinity; ſtimulated by this fear, he ſent an agent to Rome to ſolicit from the pope proper authorities for completing the marriage.

THIS ſtep ſerved but to expoſe his keenneſs for the alliance, and produced theſe additions to the already-ſtipulated articles:

THAT the Roman catholics ſhould be allowed a public church in London, beſides the infanta's private chapel:

THAT the miniſter of that church ſhould be a biſhop:

THAT the popiſh eccleſiaſtics ſhould be ſubject to the laws of their own ſuperiors only:

THAT the children of the marriage ſhould be educated by the mother, and that ſome further propoſals ſhould be agreed to for the benefit of popery.

To theſe exorbitant demands James returned this anſwer:

THAT he was willing to allow the infanta a public chapel, or rather a church, in which a biſhop might officiate. To the ſecond article he objected,

THAT there was no example of ſuch an exemption for eccleſiaſtics, even in popiſh ſtates. To the third article,

THAT

THAT the children ſhould be left, for a limited time Ann. 1622.
to be fixed by the king of Spain, under the tuition of their mother. To the further indulgencies for popery he ſaid *,

THAT the articles of religion agreed upon between him and the late king of Spain were accounted ſo ſatisfactory, in the judgment of the moſt learned clergy in Spain, that they declared their opinion, that, upon the offer of ſuch conditions, the pope ought not to withhold the diſpenſation.

THIS anſwer was ſent to Madrid, that it might not publickly appear that the king treated with the court of Rome. The profeſſions of Spain now grew ſtronger: Olivares declared, that if the emperor ſhould refuſe to Cabala.
reſtore Heidlebergh, or to condeſcend to ſuch accommodation as ſhould be adjudged reaſonable, the king of Great Britain ſhould be infallibly aſſiſted with the arms of his catholic majeſty for reſtoring the Palatinate. The letters that Digby, now made earl of Briſtol, wrote, were full of aſſurances of ſucceſs.

WHILST this contract took up the whole attention of the court of England, the town of Bergen-op-zoom, which had been beſieged by Spinola, ſince the expiration of the truce between Holland and Spain, was relieved by the duke of Brunſwick and count Mansfeild, who had

* Ruſhworth obſerves, that it appeared here that Spain had concealed from the pope ſome articles that James had already yielded to. *Ruſhworth*, vol. I. p. 66.

Ann. 1622. joined prince Maurice, after their diſmiſſion from the king of Bohemia's ſervice.

Ann. 1623. On the reception of James's favourable anſwer, the alliance of the Stewart family with the houſe of Auſtria began, even at Madrid, to wear a ſerious aſpect. The king of Spain and his miniſters, who had hitherto made uſe of the treaty as a lure to induce the Britiſh monarch to connive at their practices in Germany, found the bait had been ſwallowed too eagerly to be eaſily diſgorged: The articles of religion, which had been thrown in as plauſible impediments, by the unexpected conceſſions of James, brought the affair to a criſis that could not end in a rupture of the treaty, without reflecting an equal ſhare of infamy on the deceiver and deceived. An epiſtolary correſpondence had been actually begun between James and the pope, who would have thought himſelf ill-treated if his authority had been uſed as a ſtale to ſerve the purpoſes of Spain, who was at preſent entangled in her own ſnares. Compunctions of honour operated on Spaniſh counſels; or, what is more probable, they began to flatter themſelves, that the converſion of Great Britain would be produced by this alliance, and the infanta numbered with the divinities in the popiſh legends. Some or all of theſe motives influenced at preſent ſo ſtrongly the meaſures of Philip and his miniſtry, that the arrival of the diſpenſation, which was expected from Rome in March or April, was to be followed in four days by a ſolemnization of the nuptials. The articles of the portion and jointure were already ſettled. Briſtol writes word, that he ſhould ſoon bring into England

the moſt accompliſhed princeſs in the world, with a portion of two millions. Ann. 1623.

This miniſter's proſpects on the merit of having concluded this deſired buſineſs, and the intereſt he had with a family which was on the eve of having an important influence on the court of England, excited in the breaſt of Buckingham ſenſations of jealouſy; that, with the natural vanity of his diſpoſition, fired him with a deſire to introduce himſelf to the court of Spain. The ſole poſſeſſion of James's favour, who was at preſent old, and in decline, was no longer the ultimate object of his views. He had for ſome time ſtudiouſly cultivated the prince's friendſhip, and poſſeſſed at this time ſuch a degree of his confidence as to engage him in the romantic project of a journey to Madrid. The prince, though he was grave and ſedate, had an amorous diſpoſition; his reading, which had been chiefly romances, was as little calculated to inſtruct him in rational manners, as were his father's precepts and example in rational principles of religion and government. Thus biaſſed, it is no wonder that his youthful mind was inflamed by the fanciful arguments of Buckingham, that urged the adventure as a refined piece of gallantry, worthy an accompliſhed prince.

The expedition having been agreed on between the two parties, on the firſt favourable opportunity, when James was a little elevated by his liquor, and a previous converſation on the expected arrival of the infanta, an aſſent to their deſign was ſo importunately begged by the prince, and ſeconded by Buckingham, with arguments

Clarendon, ed. 1702, vol. I. p. 11, &ſeq.

Ann. 1623. ments adapted to the king's inclination, that the eaſy monarch was at length prevailed on to give it. The argument urged on the occaſion was, that this piece of gallantry would be followed by the immediate reſtoration of the Palatinate, as a part of the payment of that vaſt obligation which the prince would lay on the infanta by ſuch an unuſual compliment. When the king's promiſe had been thus obtained, he was further urged for an aſſent, that they might put their deſign in immediate execution, without other attendants than two ſervants, who ſhould be kept in total ignorance till the moment of their departure.

On the firſt hour of ſolitude, James revolved in his mind the paſt conſultation: Innumerable difficulties preſented themſelves to his frighted imagination; his diſorder was ſo great when the prince and Buckingham returned to him for the diſpatch, that he fell into a paſſion of tears, cried out he was undone, and that they would break his heart if they perſiſted in their reſolution. Then, with unuſual earneſtneſs, he ſet before them the evils which muſt attend the raſh enterprize; that beſides the inevitable hazard to which the prince's perſon would be expoſed, it muſt occaſion the entire loſs of the peoples' affection to himſelf, and the ruin of the almoſt-compleated match; that on the prince's arrival at Madrid the articles of the treaty would be laid aſide, and new matter propoſed which had not yet been mentioned, and could never be conſented to by him. This and much more he ſaid to the ſame purpoſe, conjuring them with ſighs, and an increaſe of tears, that they would no more preſs him on a thing contrary to his un-

underſtanding and intereſt. The ſuppliant monarch Ann. 1623. received no anſwer to the weighty reaſons he had inſiſted on: The prince put him in mind of the promiſe he had made the day before; which, he added, was ſo ſacred that he hoped he would not violate it; that if he did he would never more think of marriage. Buckingham treated him with the utmoſt inſolence; told him, that his word would never be again believed after his retracting ſo ſoon what he had ſolemnly promiſed; that he plainly diſcerned it proceeded from another breach of his word, in communicating with ſome raſcal, who had furniſhed him with thoſe pitiful reaſons, but he doubted not that he ſhould know hereafter who his counſellor had been; that his receding from his promiſe would be ſuch a diſobligation to the prince, that undoubtedly he would never forget it, or forgive the man that had been the cauſe of it. The importunity of the prince, and the roughneſs of Buckingham, intirely prevailed over the facile diſpoſition of James, who after having diſclaimed, with many oaths, the having communicated the matter to any perſon living, gave them, a ſecond time, a full leave to follow their inclination. It was agreed, that they ſhould ſet out in two days, and that Sir Francis Cottington, the prince's ſecretary, and Endymion Porter, one of his gentlemen of the bed-chamber, ſhould attend them *. James, thinking it proper that the intention ſhould be immediately

* Cottington had been one of Cornwallis's clerks when he was James's reſident in Spain, and Endymion Porter had been a menial ſervant to Buckingham's brother, from thence preferred to his ſervice, and afterwards to be gentleman of the bed-chamber to the prince. *Wilſon*, p. 225.

com-

Ann. 1623. communicated to them, that all things neceſſary to the journey might be prepared, ſent for Sir Francis Cottington.

On his appearance he previouſly cautioned him concerning the truſt he was going to repoſe in him; then ſaid, "Cottington, here is baby Charles, and Stenie, has a mind to ride poſt to Spain, to fetch home the infanta; they will have but two more in their company, and have choſen you for one: What think you of the journey?" Cottington replied, "He could not think well of it, for he believed it would render fruitleſs all that had been hitherto done in the match." He then went on, repreſenting the ſame obvious reaſons that had already occurred to the king. On Cottington's diſcourſe the king, throwing himſelf upon a bed, in another paſſion of ſighs, tears, and lamentations, exclaimed, "I told you this before; I am undone! I am undone! and ſhall loſe baby Charles!" Anger and rage appeared in the countenances of the princes and Buckingham: The latter reproached Cottington with the utmoſt bitterneſs; told him, "That on being aſked by the king which was the beſt way to make the journey, he had had the preſumption to give his advice in matters of ſtate, and againſt his maſter, without being called to it, which he ſhould repent as long as he lived." Theſe threatenings put the king into a new agony; who cried out, "Nay, by God, Stenie, you are very much to blame to uſe him ſo; he anſwered me directly to the queſtion I aſked him, and very honeſtly and wiſely, and yet you know he ſaid no more than I told you before he was called in." It now appeared plainly that the deſign came originally

ginally from Buckingham. James was obliged to yield Ann. 1623. to his impetuoſity, and Cottington had directions given him for the journey.

Prince's journey to Madrid.

To the great regret of the dejected king, the prince, with his adviſer, and his two attendants, ſet out from London on the twenty-ſeventh of February; they paſſed through France in diſguiſe, and reached Madrid in the ſpace of eleven days *. They had been guilty of the

* James, who had now recovered his deſpondency, wrote the following curious letter to his ſon and favourite, eighteen days after their departure from England.

"My ſweete boys, I wryte this now this ſevint letre unto you upon the ſeventeenth of Mairche, ſent in my ſhippe calld the Adventure, to my two boys adventurers, qwhom God ever bleſſe; and now to begin with him, *á jove principium*, I have ſent you, my babie, two of your chaplains fitteſt for this purpoſe, Mawe and Wren, together with all ſtuffe and ornaments fitte for the ſervice of God; I have fully inſtructed thaime, ſo as all thaire behavioure and ſervice ſhall, I hoape, prove decent and agreable to the puritie of the primitive church, and yet as neare the Romane forme as can lawfully be done, for itt hath ever been my way to goe with the church of Rome, *uſque ad aras*. All the particulars hereof I remitte to the relation of youre before-named chaplens, I ſend you alſo youre roabes of the order, qwhiche you muſt not forgette to weare upon Saint George's day, and dine together in thaime, if they can come in time, qwhiche I pray God thaye maye, for itt will be a goodlie ſight for the Spaniardis to ſee my two boys dyne in thaime. I ſend you alſo the jewells I promeiſed, both ſome of myne and ſuch of youres, I meane bothe of you as are worthie the ſending, for my babie's preſenting his miſtreſſe. I ſend him an old double croſſe of Lorraine, not ſo riche as awncient, and yet not contemptible for the valew; a goodlie looking-glaſſe, with my picture in itt, to be hung att her girdle, qwhiche you muſt tell her ye have cauſed itt ſo to be enchawnted by airt magike, as whenſoever ſhee ſhall be pleaſed to looke in itt ſhe ſhall ſee the faireſt ladie that either her brother or youre father's dominions can afforde;

Ann. 1623. indiſcretion of venturing as ſpectators at a court-ball in France, where Charles had a view of the princeſs Hen-

foorde; ye ſhall preſente her with two faire long diamonts, ſet lyke an anker, and a faire pendante dyamont hanging att thaime; ye ſhall give her a goodly roape of pearles; ye ſhall give her a carquant or coller, threttein great ballas rubeis, and threttein knotes or cinques of pearles; and ye ſhall give her a head-dreſſing of two and twenty great peare pearles; and ye ſhall give her three goodlie peare pendant dyamonts, qwhairof the biggeſt to be worne at a needle on the middeſt of her foreheade, and one in everie eare. And for my babie's owin wearing ye have two goode jewells of your owin, youre rounde broache of dyamonts, and your tryangle dyamont, with the great rounde pearle; and I ſend you for youre wearing the three brethren that ye know full well, but newlie ſette, and the mirroure of Frawnce, the fellow of the Portugal dyamont, qwhich I wolde wiſhe you to weare alone in your hatte, with a little blacke feather; ye have alſo good dyamont buttons of youre owin to be ſett to a doublette or jerkin; as for youre I it may ſerve for a preſent to a don. As for thee, my ſweete goſſeppe, I ſend thee a faire table-dyamonde, qwhich I wolde once have gevin thee before if thou wolde have taken itt, for wearing on thy hatte, or qwhaire thou plaiſis; and if my babie will ſpaire thee the two long dyamonts in forme of an anker, with the pendant dyamont, itt were fitt for an admirall to weare, and he hath enough better jewells for his miſtreſſe; thou hes of thyne owin thy goode olde jewell, thy three pindars dyamonts, thy picture-caſe I gave Kate, and the great dyamont-chaine I gave her, qwho wolde have ſent thee the leaſt prinne ſhe hadde, if I had not ſtayed her; if my babie will not ſpaire the anker from his miſtreſſe, he may well lend thee his rounde broache to weare, and yet he ſhall have jewells to weare in his hatte for three great dayes. And now for the form of my babie's preſenting of his jewells to his miſtreſſe, I leave that to himſelfe, with Stennie's advice, and my lord of Briſtolt's, onlie I would not have thaime preſented all att once, but att the more ſundrie times the better, and I would have the rareſt and richeſt kept hinmoſte. I have alſo ſent four other croſſes of meaner valew, with a great pointed dyamont in a ring, qwhich will ſave charges in preſents to Dons, according to their qualities; but I will ſend with the fleete dyvers other jewells for preſents for ſaving of chairges, qwhairof we have ſoe muche

4 neede;

rietta, his after-wife. Equally ſtrong was the aſtoniſh- Ann. 1623.
ment, mortification, and confuſion of Briſtol, when he ſaw the travellers alight at his houſe: Nothing, in his opinion, but a demon in the form of the prince of Wales, could have prevented the ſucceſsful termination of an affair that had coſt ſo much time, pains, and vexation. It was alledged againſt him by Buckingham, that, on finding the prince's errand was not to turn papiſt, as he at firſt ſuſpected it was, he adviſed him with earneſtneſs to that ſtep. Nor is this fact improbable, ſince, in the preſent circumſtances, the miniſter might rationally conclude, that a contrary reſolution would be followed by the rupture of the treaty, and, with it, the diſappointment of his future proſpects.

The prince arrives at Madrid.

WHEN the arrival of the royal viſitor was formally made known to the Spaniſh monarch, the attention of himſelf and council was totally employed in deviſing on the occaſion a reception as romantically exalted as the occaſion itſelf; nor could the moſt heated fancy of their own romantic writers deſcribe more pompous ceremonies, or more bombaſt expreſſions of reſpect, than were

neede; for till my babie's comming away thaire will be no neede of giving of preſents to any but to her. Thus you ſee how as long as I want the ſweete comforte of my boyes converſation, I ame forced, yea, and delytes, to converſe with thaime by long letres. God bleſſe you both, my ſweete boyes, and ſende you, after a ſucceſsfull journey, a joyefull and happie returne in the armis of your deare dade.

James R.

"From Newmarket, on Saint Patrick's-daye, qwho of olde was to well patronized in the country ye are in." *MSS. in the Brit. Muſeum*, n. 6011, p. 21, *& ſeq.*

Ann. 1623. here practiſed to delight the imagination of their enamoured gueſt: The priſons in Spain were thrown open; the ſumptuary laws ſuſpended; the privy counſellors waited on him in a body to inform him, that they had expreſs orders to obey him as exactly as the king himſelf. Nor was he ſuffered long to languiſh for the ſight of his miſtreſs, who was carried abroad to viſit a monaſtery, that her lover might be gratified with a diſtant view. His introduction into the palace was performed with the ſame parade that attends the kings of Spain at their coronation; Philip took the left-hand of him on all occaſions; he was conſtantly ſerved by the grandees and tituladoes; preſented with golden keys of all the regal apartments, that he might have acceſs at all hours; the queen ſent him divers preſents of rich apparel, perfumes, and other rarities of the country; he was entertained with a variety of ſhews and triumphs, where, like a ſucceſsful knight, he often obtained the prize in preſence of his miſtreſs; at a dinner at St. Jerome's monaſtery ſeveral of the chief officers of the crown waited upon him bare-headed. Wilſon aſſerts that this ſervile cuſtom was introduced into Spain by Philip the Second, who carried it from England, where he had been thus attended *.

His reception.

Wilſon, p. 228.

WHILST this pompous ſcene was acting at Madrid, the diſpenſation lingered at Rome. The prime miniſter Olivares, on his firſt congratulations to the prince, told

* Sully in his Memoirs teſtifies the having been much ſurprized at beholding the ceremony of ſerving the king of England, at the time of dinner, on the knee.

him,

him, "That the match would be concluded inſtantly; that now the kings of Spain and England ſhould divide the world between them, for that he did not queſtion but he came to change his religion." The artful Gondemar, who was at this time at Madrid, did not fail to act his part of the farce, by telling the prince one day, in a jocular manner, "That he had ſtrange news to tell him, which was, that himſelf, though an Engliſhman in his heart, had been made that morning a privy counſellor." This was followed by a compliment from Philip, that he had conferred that honour on Gondemar that his highneſs might be informed of all their reſolves.

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CHARLES at this time received a letter from the pope: It expreſſes an aſſured belief that the prince was come to Spain for the purpoſe of being received into the boſom of the papal church. As the prince's anſwer to this letter has been repreſented by a very ingenious author in the light of a decent compliment, to which there could be no ſubſtantial objections, I ſhall give it at full length.

Intercourſe of Letters between Charles and the pope.

Ruſhworth. vol. I. p. 78, & ſeq.

Prince Charles to pope Gregory the Fifteenth.

"Moſt holy father,

"We have received your letter with no leſs thankfulneſs and reſpect than is due to the ſingular good-will and godly affection wherewith we know it was written. It was moſt acceptable to us, that the never-enough-renowned examples of our anceſtors were propoſed to us by your holineſs for our inſpection and imitation; who,

though

Ann. 1623. though they often hazarded their lives and fortunes, to propagate the Chriſtian faith, yet did they never more chearfully diſplay the banners of Chriſt crucified, againſt his moſt bitter enemies, than we will endeavour to the utmoſt, that the peace and union which ſo long triumphed may be reduced into the Chriſtian world, after a kind of elimination or exile. For ſince the malice of the father of diſcords hath ſowed ſuch unhappy diviſions amongſt thoſe who profeſs the Chriſtian religion, we account this moſt neceſſary, thereby to promote with better ſucceſs the glory of God, and Chriſt our Saviour. Nor ſhall we eſteem it leſs honour to tread in their footſteps, and to have been their rivals and imitators in holy undertakings, than to have been deſcended of them; and we are very much encouraged to this, as well by the known inclination of our lord and father, and his ardent deſire to lend a hand to ſo pious a work, as by the anguiſh that gnaws his royal breaſt when he conſiders what cruel deſtructions, what deplorable calamities ariſe out of the diſſentions of Chriſtian princes. Your holineſs's conjecture of our deſire to contract an alliance and marriage with a catholic family and princeſs, is agreeable both to your wiſdom and charity; for we would never deſire ſo vehemently to be joined in a ſtrict and indiſſoluble bond with any mortal whatſoever, whoſe religion we hated. Therefore your holineſs may be aſſured, that we are, and always will be, of that moderation as to abſtain from ſuch actions as may teſtify our hatred againſt the Roman catholic religion; we will rather embrace all occaſions whereby, through a gentle and fair procedure, all ſiniſter ſuſpicions may be taken away: That as we all confeſs one individual trinity, and

and one Chriſt crucified, we may unanimouſly grow up Ann. 1623.
into one faith; which that we may compaſs, we little value all labour and watchings, yea, the very hazard of our lives. It remains that we render thanks to your holineſs for your letter, which we eſteem as a ſingular preſent, and wiſh your holineſs all proſperity and eternal happineſs."

To make the comment upon this anſwer more eaſy, it muſt be known that the pope, in his letter, exhorts the prince to follow his anceſtors in obedience to the ſee of Rome. "It was moſt acceptable to us, returns the prince, that the never-enough-renowned examples of our anceſtors were propoſed to us by your holineſs for our inſpection and imitation." The pope propoſes no medium, he inſiſts upon a return of obedience to the papal hierarchy: "Yet did they never, ſays the prince, more chearfully diſplay the banners of Chriſt crucified, againſt his moſt bitter enemies, than we will endeavour to the utmoſt to reſtore peace and union in the church." The pope ſuppoſes that the prince proſecutes the intended marriage with a deſign to reunite himſelf to the church of Rome: The prince returns anſwer, "That the pope's conjecture is according to charity and wiſdom, for he would never deſire to be joined in marriage with any one whoſe religion he hated." It is very apparent, from the whole tenor of the anſwer, that at this time the love-ſick prince was too much rivetted in the deſire of the match to let any obſtacles in point of religion interpoſe between him and poſſeſſion. But, whilſt his paſſion was tantalized by daily expectations of the diſpenſation, it at length arrived from Rome, tacked

Ann. 1623. to additional articles in point of religion. As theſe were of great importance, he was obliged to refer them to his father, and Cottington was ſent into England on this errand.

JAMES was ſo delighted with the account of his ſon's treatment at the court of Spain, that he broke out into frantic expreſſions of joy, and was heard ſeveral times to ſay, "Now all the devils in Hell cannot hinder the match." On his aſking his council whether it would be convenient to grant a toleration for papiſts, he received a letter from the archbiſhop of Canterbury, which ſtrongly repreſented to him how incongruous ſuch a meaſure was to all his paſt profeſſions, and how dangerous the attempt to abrogate the laws of the land by his own power, might prove to the welfare of himſelf and family. This ſpirited interpoſition was made by the worthy prelate whilſt he lay under diſgrace for having killed a park-keeper in an attempt to ſhoot a deer. His mortification for this unlucky accident had been ſo great as to petition the king for leave to retire to an alms-houſe at Guilford, which he had built for the maintenance of the poor.

WILLIAMS, the lord keeper, had informed Buckingham, that, by the common law yet in force, the archbiſhop was made irregular, *ipſo facto*, and ſo ſuſpended from all eccleſiaſtical functions, until reſtored by his ſuperior, who was the king's majeſty; to this he added, "That though it was againſt the king's nature to add affliction to the afflicted, yet to leave a man of blood primate and patriarch of all his churches, founded very harſh

harſh in the old councils and canons, and the papiſts Ann. 1623.
would not ſpare to cenſure it *. It is very much to James's credit that this advice was rejected, and the archbiſhop continued in his eccleſiaſtical dignity.

COTTINGTON was ſoon ſent back to Spain with the additional articles ſigned by the king and council.

THAT the infanta ſhould take with her her family, and that theſe ſhall be nominated by the Catholic king, and afterwards ſupplied by him:

THAT the election of her prieſts ſhall belong to the infanta:

THAT the ſervants of the family of the lady infanta ſhall not be obliged to take the oath of allegiance to the king of Great Britain, provided there be any clauſe contrary to their conſciences, and the Roman catholic religion:

THAT the laws which are, or ſhall be, againſt religion, ſhall not take hold of the ſaid ſervants, and only the ſuperior eccleſiaſtic may proceed againſt eccleſiaſtical perſons, as hath been accuſtomed by catholics. And if

* Williams, who was at this time indulged with the biſhopric of Lincoln, refuſed to be conſecrated by the unfortunate prelate. It may be queſtioned whether this objection aroſe from a conſcience delicate in trifles, or from a deſire to pleaſe his patron Buckingham, to whom Abbot was very diſagreeable. Laud, who, by the means of that favourite, was at this time appointed biſhop of St. David's, had the ſame ſcruples.

Ann. 1623. any ſecular judge ſhall apprehend any eccleſiaſtical perſon for any offence, he ſhall forthwith cauſe him to be delivered to the ſuperior eccleſiaſtic, who ſhall proceed againſt him according to the canon-law:

THAT the nurſes who ſhall give ſuck to the children of the lady infanta ſhall be choſen by the lady infanta.

To theſe additional articles, with thoſe already mentioned, the king and privy council ſwore. Moreover, the king agreed to theſe private ones:

THAT particular laws now enacted againſt Roman catholics, and even general laws, under which all the ſubjects are comprized, if they are repugnant to the Roman catholic religion, ſhall not at any time hereafter, by any means or chance whatſoever, directly or indirectly, be commanded to be put in execution againſt the ſaid Roman catholics; and we will cauſe that our council ſhall take the ſame oath, as far as it pertains to them:

THAT no attempt ſhall be made with the moſt renowned lady infanta, Donna Maria, about any thing which ſhall be repugnant to the Roman catholic religion, or thoſe things which ſhall be contained in the treaty of matrimony:

THAT we and the prince of Wales will interpoſe our authority, and will do as much as in us lie, that the parliament ſhall ratify the articles capitulated between the moſt renowned kings in favour of the Roman catholics

tholics by reaſon of this marriage, and that the ſaid parliament ſhall revoke and abrogate the particular laws made againſt Roman catholics, as likewiſe the general laws under which all are equally comprehended, if they are repugnant to the Roman catholic religion; and we will not hereafter conſent that the ſaid parliament ſhall ever at any time enact or write any other new laws againſt Roman catholics. Ann. 1623.

The privy-counſellor's oath was this:

"I, A. B. do ſwear that I will truly and fully obſerve, as much as belongeth to me, all and every of the articles which are contained in the treaty of marriage between the moſt gracious Charles prince of Wales, and the moſt gracious lady Donna Maria, infanta of Spain. Likewiſe I ſwear, that I will neither commit to execution, or cauſe to be executed, either by myſelf or by any inferior officer ſerving under me, any law made againſt any Roman catholic whatſoever, nor will execute any puniſhment inflicted by thoſe laws, but in all things that belong to me will faithfully obſerve his majeſty's word given in that behalf."

WHEN theſe returned to Spain, the prince of Wales engaged on the part of his father, that all the agreed-to particulars ſhould take place in three years, or ſooner if poſſible; that he would intercede that the ten years of the education under the infanta ſhould, according to the deſire of the pope, be prorogued to twelve. To this was added an obligation, that, as often as the infanta ſhould require, the prince would give ear to divines or

Ann 1623. others whom ſhe would pleaſe to employ, in matter of the Roman catholic religion; and for further caution in point of the free exerciſe of the ſaid religion, the prince engaged, on the word of a king, that the things promiſed ſhould take effect, and be put in execution, as well in the kingdoms of Scotland and Ireland, as of England.

THE belief of a powerful protection to the catholics in England was at this time ſo well eſtabliſhed, that a titular biſhop of Calcedon came privately to London to exerciſe an epiſcopal juriſdiction over them. Bonfires and other public rejoicings were made on the ſucceſs of the treaty; the infanta was ſtiled princeſs of Wales; a chapel was building for her at St. James's; a fleet was prepared for her paſſage; and amongſt the ſervile, the curious, and the ignorant, three numerous claſſes of men, which are the conſtant flatterers and followers of the humours of the times, her picture was every where to be ſeen. At this time ſeveral noblemen left England to pay their court at Madrid.

IN the good humour into which the preſent ſituation of affairs had put James, the favourite was not forgot: A patent for the title of duke was ſent to him by Cottington, that he might be upon a footing with the beſt grandee in Spain. But whilſt the ſelf-flattered monarch was enjoying in proſpect the accompliſhment of his deſires, new doubts aroſe in the council at Madrid. As much or more had been yielded to, it was ſaid, than could have been reaſonably expected; but, had the Britiſh king and his ſon power to effect what they had ſo

ſo readily granted? would it not be prudent to make Ann. 1623.
this trial by delaying the ſolemnization of the nuptials till the full performance of the conceſſions? On the reſult of this debate the biſhop of Segovia frankly told Buckingham, "That the articles James had aſſented to in favour of the Roman catholics, amounted to a toleration; that he had heard ſomething of the eſtate of England, that the king could not grant a toleration without a rebellion, and he eaſily believed it, becauſe that the king of Spain was not able in his dominions to effect the like enterprize without incurring the like danger: He therefore concluded, that if the infanta was ſent into England before theſe alterations were eſtabliſhed, ſhe might be treated with a rebellion." Gundamore, who had given information to the Spaniſh council of the meaſure of influence James had in England, cloſed in with the biſhop of Segovia, and ſaid, "That he did not think it fitting to part with the infanta before the articles were perfectly put in execution."

THIS new objection, when communicated to James, flung him into a fit of deſpair: His promiſes had been made in ſecret, and not to be performed but by degrees, and after the marriage, when the power of Spain was united to the power of the crown of England; he was now preſſed to expoſe them to the public, by an abrupt execution, whilſt the treaty was yet unconcluded, and, by ſuch a prelude, to fill the minds of his already-diſcontented ſubjects with dreadful apprehenſions of its iſſue.

To give Spain every poſſible ſatisfaction, a full declaration

Ann. 1623. ration of his intentions was drawn up, and ſigned by ſecretary Conway, and ſeveral privy counſellors. This confirmed the grant of all the articles, both public and private; and that it ſhould be lawful for the Spaniſh ambaſſadors to aſſign a diſcreet perſon to employ ſuch ſufficient lawyers as ſhould be thought fit to take care of the ſtrength, validity, and ſecurity of the ſaid grants; and that his majeſty's attorney ſhould have charge to receive and admit the ſaid lawyers to the ſight and judgment of the ſaid draughts, and, in any doubts, to give them ſatisfaction, or to uſe ſuch legal, neceſſary, and pertinent words and phraſes as he the attorney-general ſhould propound for the ſecurity of the Roman catholics, and ſure making of the ſaid grants; and that his majeſty's will and pleaſure was, that a legal and authentical pardon ſhould be paſſed under the great ſeal, wherein ſhould be freely pardoned all the penalties to which the Roman catholics were liable for matters of conſcience, and in which they had been proceeded againſt, or might be; that a courſe ſhould be taken that the pardon ſhould not be coſtly; and that it ſhould be lawful to put as many as was poſſible in one pardon.

THE Spaniſh ambaſſadors, not being ſatisfied with theſe aſſurances, the lord-keeper and other commiſſioners were directed to draw up a pardon of all offences paſt, with a diſpenſation for thoſe to come, to be granted to all Roman catholics obnoxious to any laws againſt recuſants, and then to iſſue forth two general commands under the great ſeal of England; the one to all judges and juſtices of the peace, and the other to all biſhops, chancellors, and commiſſaries, not to execute any ſtatute againſt them. Ann. 1623.

THE pardon was paſſed full and ample; but Williams, the lord-keeper, repreſented ſo ſtrongly the danger of a general diſcontent and mutiny, ſhould it take place immediately, by the means of ſo peremptory a prohibition to the judges and biſhops, and the greater probability of ſucceſs were the king's favours enlarged by degrees, that the ambaſſadors at length conſented that the matter ſhould reſt till the arrival of the infanta.

To all the important conceſſions that had been already made by the Engliſh monarch, this additional clauſe in the pope's diſpenſation was ſtill inſiſted on:

"THAT whereas there were certain articles conſented unto by the king of England in favour of the Roman catholics in his dominions, a ſecurity ſhould be given for the performance of thoſe conceſſions." To this demand James anſwered, "That he could give no other ſecurity than his own and the prince's oath, exemplified under the great ſeal of England."

THIS was not ſatisfactory, and James ſuffered the mortification of being told, "That his own and the prince's oath was not a ſufficient ſecurity, unleſs ſome ſovereign catholic prince would ſtand engaged for its performance. Affairs remaining thus embarraſſed, the king of Spain proffered to engage himſelf by oath for a performance of the articles, if, on a conſultation with his ghoſtly fathers, it was determined that he might do it

Ann. 1623. it with a ſafe conſcience. A junto of divines were called to a formal conſideration; they at length concluded in the affirmative, and that in caſe the king of England ſhould fail to execute what was ſtipulated, the king of Spain was to vindicate his oath by the ſword. Thus did his catholic majeſty obtain a kind of right to head a large party in England, which were to appeal to him for redreſs in all caſes of grievance.

THE vaſt acquiſitions which had been lately made by the houſe of Auſtria, and the proſpect of its increaſe of power by a conjunction with Great Britain, raiſed apprehenſions in the court of France that occaſioned an entire alteration of their late meaſures. From perſecuting their proteſtant ſubjects to the brink of deſtruction, they condeſcended to a re-union, on the terms of their poſſeſſing all the privileges in point of religion which they had before enjoyed. The ſtate of the mal-contents in Germany was daily more hopeleſs. The reſtoration of the Palatinates had not been mentioned in the late tranſactions between James and the court of Spain.

IN vain had he ſacrificed both reputation and intereſt to the chimerical project of a ſtrict union with the houſe of Auſtria; further obſtacles ſtill retarded the accompliſhment of his wiſhes. At this particular criſis, when the affair was apparently concluded to the ſatisfaction of all parties, the death of Gregory the Fifteenth afforded the Spaniards an excuſe for delaying the nuptials till the aſſent of cardinal Barberini, the new pope, had been obtained. The Spaniſh miniſtry pretended that, as the diſpenſation ſtill lay in the nuncio's hands,

and a contract had not been formed upon it, it was by Ann. 1623. the late pope's death ſuſpended, and a ratification from the new one was become neceſſary. This unſeaſonable objection undoubtedly proceeded from the zeal of the courts of Rome and Spain to complete the prince's converſion before he left Madrid.

THE immediate act of the new pope was to begin a correſpondence with the king of England and his ſon: He informs the latter, that the firſt letters which he received after he was preferred to the throne of the apoſtles, were thoſe ſent out of Spain from him the prince to Gregory the Fifteenth, his predeceſſor, of famous memory: "We lifted up our hands to Heaven, continues he, and gave thanks to the Father of mercies, when, in the very entry of our reign, a Britiſh prince began to perform this kind of obeiſance to the pope of Rome."

CHARLES's patience was at length exhauſted by the vexatious delays which had ſucceſſively roſe between him and the poſſeſſion of his miſtreſs. The Spaniards in effect had, by an over-niceneſs and too fine drawn a policy, rather ſtarved than cheriſhed his paſſion; inſtead of having indulged him with thoſe tender interviews and little favours that ſwell the expectations, raiſe the deſires, and increaſe the paſſion of the ſanguine lover, he had been treated with a reſerve that aroſe to an affected indifference; entertaining his miſtreſs had been no otherwiſe allowed than in the moſt formal manner, before a circle of ceremonious ſpectators. Thus reſtrained, his paſſion had been vented in diſtant glances,

Ann. 1623. which met with a return ſo cold that it damped the hopes of a mutual inclination.

His long ſtay at Madrid had produced occaſions which gave riſe to a reciprocal diſguſt between Buckingham and the Spaniſh miniſtry: That decent formal people regarded with averſion the manners of the favourite,—a mixture of Gallic licentiouſneſs and Britiſh roughneſs. The diſtaſteful familiarity that ſubſiſted between him and his maſter gave great offence to the high notions which that nation entertained of royalty, and was as incongruous to the equally-exalted pretenſions of James and his ſon, as to the romantic conceits of the Spaniards. A contemptible buffoonry was not the moſt material offence in Buckingham's carriage; his behaviour was laſcivious, and his whole conduct compounded of oppoſitions to Spaniſh gravity and Spaniſh delicacy.

From theſe cauſes had ariſen a reciprocal animoſity between the parties, that produced at ſeveral times high and warm altercations. Olivares, in a junto of miniſters, had reproached Buckingham with having flattered them with the hopes, that the prince would renounce the Proteſtant faith; Buckingham told him he lied; the indignant Spaniard reſented the affront with ſpirit, and gave the favourite to underſtand, that it was the importance of the treaty in agitation that prevented him from inſiſting on the proper ſatisfaction for ſo groſs an injury. Theſe and other ſubjects of diſguſt alienated Buckingham's affections from the Spaniſh match. The miniſter Briſtol, whoſe conduct had been, for the whole ſeries of his

his negotiation, ſubſervient to the view of completing this alliance, was as much approved by the court of Spain as Buckingham's was diſliked. They ſhewed ſo ſtrong a diſapprobation of the treaty's having been taken out of the hands of the former, and transferred to the latter, that they teſtified a doubt of the ſufficiency of his power, as it had not been confirmed by the council of England. The high ſpirit of the favourite, who, from the commencement of James's abſurd affection to him, had never met with the like oppoſition, was enraged to a degree of reſentment that would alone have inſtigated him to break off the impending treaty. His political reaſons were not immaterial ones: There was at this time a large party in the court of England, that, from motives of jealouſy, in oppoſition to his influence, ſupported Briſtol; he was ſo obnoxious to the whole court of Spain, that they declared they would rather bury the infanta than truſt her in his hands; his patron James had been rather diſobliged by his inſolent carriage on the debate of the prince's journey to Madrid. The ſureſt object he had to depend on was his preſent intereſt with Charles, and that might be rendered very precarious by the union between him and the infanta, who, it was to be ſuppoſed, would have a powerful influence over his young and amorous mind. Ann. 1623.

This being the preſent ſituation of affairs, the cataſtrophe that immediately follows is not a very ſurprizing one. Buckingham employed his whole powers to inſtil into the prince an averſion for what had till now been the object of his paſſionate deſire. The preſent obſtinacy of the Spaniſh miniſtry, who not only refuſed

Ann. 1623. to accompliſh the marriage till the ratification of the diſpenſation, but alſo to deliver up the infanta till the ſpring, concurred ſo efficaciouſly with Buckingham's endeavours, that Charles was perſuaded to think that the Spaniards had no ſincere inclination to an union with the crown of England, and that himſelf and his father had been the dupes to a treaty, the completion of which would involve them in inextricable difficulties. Theſe, and other the like inſinuations, worked him up to ſuch a height of reſentment, that he liſtened with eagerneſs to the project of an abrupt departure, and began to entertain doubts of not being able to effect it. In this deſpondency he wrote word to his father, "That he muſt now look upon his ſiſter and her children, never thinking more of him, and forgetting that he had ſuch a ſon." Buckingham plied him with letters at the ſame time, to this effect: "That he had at length diſcovered the king of Spain's inſincerity; that not only he had no inclination to cauſe the Palatinate to be reſtored, but alſo was far from having the leaſt thought of accompliſhing the marriage; and that the prince was in danger of being retained in Spain all his life." Theſe and other advices of the ſame ſort put the poor old king into ſuch a fright that he wrote poſitive orders to Buckingham to bring away the prince if poſſible; at the ſame time he ſent a fleet of ſhips to St. Andero in Biſcay to eſcort them home *. This order was obeyed

* One of James's letters on the occaſion of theſe deſponding meſſages:

"My ſweet boys,

"Your letter by Cottington hath ſtruck me dead; I fear it ſhall much ſhorten my days. Alas! I now repent me ſore that ever I ſuffered you to go away: I care for match nor nothing, ſo I may once have you in my arms again; God grant it! God grant it! God grant it! amen, amen, amen. I proteſt ye ſhall be as heartily welcome as if ye had done all things ye went for, ſo that I may once have you in my arms again. And ſo God bleſs you both, my only ſweet ſon, only beſt ſweet ſervant, and let me hear from you quickly, with all ſpeed, as you love my life. And ſo God ſend you a happy joyful meeting in the arms of

Your dear dad.

"From Greenwich, June 14, 1623."

MSS. in Brit. Muſeum, n. 6987, fol. 52.

with alacrity: On pretence of preparing the Engliſh navy for the prince's reception, Buckingham departed haſtily. He took no ceremonious farewel of the court; but told Olivares bluntly, "That he was obliged to the king, queen, and infanta, in an eternal tie of gratitude; that he would be an everlaſting ſervant to them, and endeavour to do the beſt offices for concluding the match, and ſtrengthening the amity between the two crowns; but as for himſelf, he had ſo far diſobliged him, that he could not, without flattery, make the leaſt profeſſion of friendſhip to him." The departure of the prince was extremely ſolemn, and the parade of his farewel equal to that which had attended his reception. Exalted were the reciprocal compliments: Philip declared, "That the prince had laid him under an everlaſting obligation, by placing ſo high a degree of confidence in him as to truſt his perſon in his hands, a thing unuſual with princes. Charles magnified the favours he had received, and added, "That he could not ſufficiently expreſs the high degree of eſtimation they had begot for the worth of the giver."

Ann. 1623.

Cabala.

The prince leaves Madrid.

Ann. 1623. VERY different from theſe proteſtations were the impreſſions which Buckingham had lately made on his eaſy ductile mind. It was obſerved that the firſt words that he ſpoke after he was embarked were, "That it was a great weakneſs and folly in the Spaniards, after they had uſed him ſo ill, to grant him a free departure." Before he left the court of Madrid, a procuration to the king of Spain and Don Carlos his brother, to make the eſpouſal in his name, was left in the hands of Briſtol; it had in it a general clauſe inſerted, that it ſhould not be revoked. This proxy, by the particular direction of the prince, was to expire at Chriſtmas, and was not to be delivered into the king of Spain's hands till ten days after the arrival of the diſpenſation. Immediately on the prince's joining Buckingham, a poſitive order was ſent to Briſtol not to deliver it till ſecurity was given him that the infanta, after the eſpouſal, ſhould not betake herſelf to a monaſtery, and to inform the prince what ſecurity was offered, that he might himſelf be judge whether it was proper to accept it. At the ſame time a defeazance of the proxy, in caſe the diſpenſation came clogged with any new demands, was ſent privately to one Clark, to be produced on a critical occaſion; ſo fearful was this once-ardent lover left the marriage ſhould be ſolemnized before he could gain time to perſuade his father to reject it.

Arrives in England. CHARLES and his preſent favourite were no ſooner arrived in England than they fully demonſtrated to James their preſent diſtaſte and averſion to an union with Spain; and this unfortunate monarch was a ſecond time obliged to yield to the obſtinacy of his ſon and the intemperate

perate purſuits of his domineering ſervant. An expreſs Ann. 1623.
was ſent to Briſtol, to inform him, that a clear reſtitution of the Palatinate was expected with the ſolemnization of the nuptials, and a command that he ſhould procure from the king of Spain a punctual anſwer what courſe he would take for the reſtitution of the Palatinate and Electorate; and in caſe the emperor or duke of Bavaria ſhould oppoſe any part of the reſtitution, what aſſurances of content he would give in that point; to this a direction was added, that the betrothing of the infanta ſhould be on one of the days in Chriſtmas.

THIS expreſs threw Briſtol into the utmoſt perplexity: The rubs which the prince had thrown in his way were in a manner got over; he had attained a full ſecurity for the infanta's not taking the veil, and intended, by the ſupport of his public warrant under the great ſeal of England, to wave the private order, and deliver the proxy on the arrival of the diſpenſation. James's command could not be ſo well parried, and the miniſter's preſent proſpects began to wear a cloudy aſpect: He and Buckingham had been at open variance during their mutual abode at Madrid, and the prince was infinitely diſobliged by a management that altogether oppoſed his preſent inclinations. The riſe of fortune he now poſſeſſed had been totally owing to the having conducted the treaty to a concluſive period. His intereſt with James, ſolely founded on the merit of his negotiation, increaſed in proportion to its fancied ſucceſs: From this circumſtance, during its proceſs, he had been created baron Digby, then earl of Briſtol. The increaſing good will of his maſter, and the advantage he had promiſed

Ann. 1623. miſed himſelf from the favour of the catholic king and his miniſtry, obtained from an obſequious adherence to the manners and intereſts of the court of Spain, were now loſt by this ſucceſsful counter-act of his antagoniſt Buckingham, whom he had entertained hopes of overtopping by means of the infanta's power in the court of England. Deſperate as were the preſent circumſtances, he did not entirely abandon the hopes of concluding the marriage. Having obtained from Philip a written promiſe that the Palatinate ſhould be reſtored, he wrote an anſwer to James, in which he informed him, "That the diſpenſation was hourly expected at the court of Madrid, and that letters from the duke of Paſtrava certified that the pope had clearly paſſed it." He then expoſtulated with him on the direction of having the marriage ſolemnized on one of the Chriſtmas holidays; aſſures himſelf that it was given on want of due information that the powers would be then expired; and adds, that, with the concurrence of Sir Walter Aſton, he ſhould deliver the ſaid powers when demanded, and paſs on to the nominating of a prefixed day for the *depoſſorio's*, if he received no orders to the contrary. "I have of purpoſe, continues he, diſpatched the poſt with this letter, to the end I may receive your majeſty's directions in this particular with all poſſible ſpeed; which I hope ſhall be to proceed directly to the marriage, according to the capitulations, and ſo to order all things for the princeſs's journey in the ſpring. And for the Palatinate, your majeſty may be confident there ſhall be diligence uſed in procuring a good and ſpeedy reſolution.

THESE

THESE were not the only endeavours practiſed by Briſtol to reſtore this buſineſs. Letters had been ſent to the prince of Wales, ſhewing, that though the point of portion was a material one, yet, when the Spaniſh junto found it, by the papers of the late king, to be no leſs than two millions, they reſolved to make it good, notwithſtanding they alleged that this ſum was four times as much as ever was given in money with any daughter of Spain. To theſe were added arguments from the infanta's rank and perſonal merits. Moreover, Sir Walter Aſton, a miniſter who had been joined by the prince in commiſſion with Briſtol for a check upon his forwardneſs, laboured to reconcile Buckingham to the match, by inſinuating, that if it proceeded, he (Buckingham) would have the honour of it; and the infanta being duly informed, muſt acknowledge him to be the perſon to whom ſhe was obliged *. Theſe attempts were all unſucceſsful; the prince and Buckingham were determined againſt the match, and Briſtol was commanded to follow the new inſtructions; namely, not to deliver the powers till he obtained from the king of Spain a direct engagement for the reſtitution of the Palatinate and the electoral dignity. Ann. 1623. Cabala.

NOTWITHSTANDING theſe proceedings, James had not as yet been prevailed on to diſclaim entirely the match, and ſtill flattered himſelf that he could accom-

* Buckingham ſent a threatening letter to Aſton for theſe offices: He tells him, "That the king had been adviſed to revoke his commiſſion; that this diſgrace will immediately happen, if he does not remove diſpleaſure, by a conduct entirely conformable to the ſenſe of the inſtructions he received from the prince." *Cabala*, fol. ed. 1673, p. 127, *& ſeq.*

Ann. 1623. modate the preſent difference by treaties. With this view he ſent a renewal of the powers for a larger time, and tendered theſe following propoſitions to his ſon-in-law, the titular king of Bohemia: To accommodate his broken fortunes by a full ſubmiſſion to the emperor, and an acceptation of the return of the Palatinate to his ſon, and the adminiſtration to himſelf, with the electoral dignity, after the death of the duke of Bavaria, on the conditions of an union between that ſon and a daughter of the emperor: The Palſgrave not to have the tuition of his ſaid ſon, but to give up that charge to the infanta, when ſhe ſhould be princeſs of Wales. To this diſgraceful propoſal Frederick returned a very ſpirited anſwer: He rejects the humiliating terms adviſed him by James; ſhews that they were only offered by his enemies, with a deſign to render his cauſe more deſperate, by making him abject in the eyes of the proteſtant princes, who were at this time diſpoſed to ſuccour him; he then ſet forth the fraudulent conduct of the emperor and his allies, with the many groſs impoſitions he had been already obliged to ſubmit to. In deſcribing the preſent politic ſtate of Germany and Great Britain, he ſhews, though in modeſt terms, that if ſpirited meaſures had been purſued by the court of England, James had been in a ſituation of giving law to the houſe of Auſtria, inſtead of receiving it in ſo diſgraceful a manner; he inſiſts that Germany would again exert itſelf, if encouraged by a warlike motion from the king of England.

THE enterprizes recommended to James in this anſwer were ſtrongly ſeconded by the adverſaries of the Spaniſh

Spaniſh match, at this time headed by the prince and Buckingham. This latter had an offer of an union between his ſon and a daughter of the Palſgrave, on condition of his obtaining a vigorous aſſiſtance from England towards the recovery of the Palatinate. Ann. 1623.

WHEN the ratification of the diſpenſation arrived at Madrid *, bonfires were made throughout all Spain; guns were fired, and other demonſtrations of public rejoicings exhibited; the infanta took upon her the title of princeſs of England; her family was ſettled; and the beginning of March appointed for her journey; the behaviour of the Engliſh ambaſſadors to her was the ſame as uſed by courtiers to their ſovereign; from the prince's departure ſhe had applied herſelf to the learning the Engliſh language, and had begun the letters of compliment which were to be ſent to her huſband and father-in-law on the day of her eſpouſal; preſents were prepared for their acceptance; the ninth of December was appointed for the marriage-day; all the grandees were invited to the wedding; a gallery leading from the court to the church was erected a quarter of a mile in length, covered with tapiſtry, to conduct the bride elect, in open view, and with moſt magnificent ſolemnity, to the ceremony. Briſtol had provided coſtly equi- Preparations for celebrating the nuptials.

* The ambaſſador that waited on Charles with congratulatory compliments from the king of Spain, on his ſafe return to England, had been ordered to make known to the princes of Flanders, Germany, and Italy, how near the marriage was to a concluſion. The Poliſh ambaſſador at Madrid, whoſe errand was to ſolicit a match between the infanta and his maſter, returned home on the arrival of the diſpenſation.

Ann. 1623. pages, when the whole buſineſs was inſtantly defeated on the opening his farther inſtructions from England which were, To procure an entire ſurrender of the Palatinate and Electorate, before he advanced towards finiſhing the contract *. To this oddly-timed demand the king of Spain gave anſwer, " That neither the Palatinates nor the Electorate were in his power to diſpoſe of; but if a treaty was ſet on foot, and the emperor and the duke of Bavaria would not come to terms of conformity, he would join arms with England to recover them, and was willing to give any ſecurity for a due performance."

THESE anſwers not ſatisfying, Briſtol was recalled, and the infanta laid down the title of princeſs of England. Thus ended a treaty in which had been expended in embaſſies, in the prince's journey, and in preſents given at the court of Madrid, as much money as was the deſtined portion of the infanta, which being in pieces of eight, amounted to the ſum of ſix hundred thouſand pounds.

ON Briſtol's anouncing his orders of revocation, he received from Olivares, in the name of Philip, large proffers of mediation in the court of England, and that his majeſty, for the example of his own ſubjects, and for encouragement to all ſuch as ſhould ſerve their princes with the like loyalty, had ſent him a blank, on which he might ſet down his own conditions in point

* This command was confirmed by the diſpatches of four ſeveral meſſengers, who arrived at Madrid cloſe at each other's heels.

of

of title or fortune. *Briſtol, not thinking it proper to accept theſe offers, illuſtrated his refuſal with an anſwer in which he magnified his own diſintereſtedneſs, his fidelity to his maſter, and his entire confidence in his juſtice. Ann. 1625.

CHAP. VIII.

Parliament.——Treaties with Spain broken.——Rupture with Spain.——Marriage-treaty with France.——Mansfeild's expedition.——Death of King James.——His character.

TO the influence that Buckingham maintained over the weak mind of his prince have moſt authors attributed the abrupt diſſolution of the Spaniſh treaty. But to the power, not the perſuaſion, of the favourite, may be more juſtly aſcribed this whimſical and unexpected event. It was neither inclination nor conviction that prevailed on James to diſclaim the offered concluſion of that which had been the object of his earneſt purſuit for a ſeries of fifteen years: His affections were over-ruled by the impetuous oppoſition of Buckingham, whoſe preſent intereſt with this prince, and the concurrence of the majority of the nation, detached from him every other ſupport than a precarious aſſiſtance from Spain. In this diſpoſition of affairs, the timid monarch, with a painful compliance, ſubmitted to meaſures that overthrew his hopes in the very criſis of their accompliſhment. Nor did the wanton inſolence of his pampered ſervant ſtop at this point: His private piques muſt be revenged on Spain, and his pacific maſter enter as a

party

Ann. 1623. party in his quarrel; he who, through the courſe of a long reign, had with a fearful anxiety maintained an uninterrupted peace, muſt ſound to arms, and declare war with a family to whoſe courted friendſhip he had before ſacrificed every conſideration.

As not only the entire rupture of the treaty, but a war with Spain had been agreed on between Charles and Buckingham, Briſtol had been recalled, and Henry Rich, earl of Holland, ſent into France with propoſals of marriage between the prince of Wales, and the princeſs Henrietta, third daughter to Henry the Fourth. James, on the occaſion of the deſtined war, was obliged to have recourſe to the demand of a benevolence from the ſubject: The meaſures whereby it was extorted were moſt injurious. On the refuſal of Barnes, a citizen of London, orders were ſent from the treaſurer, that he muſt immediately prepare to carry by the poſt a diſpatch into Ireland. The citizen was obliged to compound the matter; and this example deterred every one afterwards from refuſing the ſum required *.

Hume.

BUCKINGHAM'S impetuoſity roſe to ſuch a height, as, firſt, to propoſe the ſelling the crown lands for the expence of the war, and then to conſult with Dr. John Preſton, head of the puritan party, on the ſeizing the dean and chapter lands for the uſe of the crown. He was diſſuaded from theſe undertakings by Williams †,

* This is a glaring inſtance of that groſs and pernicious abuſe to which every degree of confidence in government is liable.

† The manner in which Buckingham was put off from this attempt is as follows: He acknowledged in a converſation with Williams, that

nor could he get James to countenance them. A ſelect council was appointed to examine into the preſent ſituation of affairs with Spain, and into the conduct of that court. This council was very refractory to the impetuous inclinations of Buckingham, who, depending on his preſent popularity, and the fervor of the people towards a war with the houſe of Auſtria, forced the king into the calling a parliament, that he might appeal from his oppoſers to that powerful court.

Ann. 1623.

Hacket's Life of Williams.

THE ſituation of James at this time was pitiable: Since the return of the prince and duke he not only ceaſed to rule, but was obliged to concur in meaſures that he deteſted: He was ſurrounded with people in whom he could put no confidence; his domeſtics were all of them, either through intereſt or fear, the creatures of Buckingham; moſt of them owed their places to this favourite, and the preſent union that ſubſiſted

Rapin.

that for the ſucceſs of his plan he depended on the diſpoſition of the popular leaders of the Commons'-houſe, and particularly on Sir Edward Coke. Williams managed the conteſt in ſuch a manner, that Buckingham owned he had been entirely miſtaken in the opinion he had formed of the principles of the leading commoners, and deſiſted from his project. Hacket, who tells us this ſtory, adds that Williams, the day preceding this conference, had waited two hours in the duke's anti-chamber, whilſt he was ſhut up with Preſton, without having gained admittance.

This uſage of Williams ſhews that it was no uncommon behaviour in Buckingham to ſubject the lord-keeper with the great ſeal of England to the mortification of a ſervile attendance, and gives ſome authority to Welden's account of the treatment Bacon met with from the ſame quarter. *Biſhop Hacket's Life of Williams*, oct. ed. 1715, p. 79, *& ſeq.*

between

Ann. 1623. between him and the prince, ſtrengthened the reſentment of former obligations with the hopes of new ones. James's diſtreſs was heightened by a paper privately conveyed to him from the marquis Inrioſa, the Spaniſh ambaſſador, ſpecifying, " That a conſpiracy had been formed by the prince and duke to confine him (the king) to one of his country-houſes, and uſurp themſelves the government." The duke's late conduct was alledged as a leading circumſtance to the treachery: According to an intimation in the letter, the ambaſſador's ſecretary was admitted to a private diſcourſe. Neither did the written or verbal intelligence occaſion the deſired alteration in James's conduct: He was obſerved to grow melancholy, and affected for ſome time to ſpeak to his ſon and favourite in a myſterious broken language. At length, on a party with the prince to Windſor, he ordered Buckingham, on a trivial pretence, to remain behind. Buckingham, who looked upon this as a token of uncommon diſpleaſure, beſought the king to acquaint him with the cauſe of this diſgrace. The king, with tears in his eyes, returned anſwer, " That himſelf was the unhappieſt man alive, to be forſaken of thoſe that were moſt dear to him." By the advice of Williams, Buckingham followed to Windſor, in which place he found means to work ſo efficaciouſly on his maſter's weakneſſes, as to effect a ſeeming, if not a real reconciliation *.

* A letter which bears date after the period of this quarrel, either ſhews that the reconciliation was real, or that James was a conſummate maſter in the low art of diſſembling.

In this letter James, after having given Buckingham directions concerning his wife, in expreſſions fulſomly groſs and familiar, adds, " If

THERE had ſubſiſted ſome time before this a great coolneſs between Williams and Buckingham: The former had conceived hopes of ſupplanting his patron, and with this view had united himſelf to the Spaniſh faction; but finding, from the timidity and weakneſs of James's conduct, that the favourite would in the end be victorious, he heartily chimed in with his meaſures, and not only informed him of every particular circumſtance in the late combination carried on by the Spaniſh ambaſſador, but drew up a refutation of the whole charge alleged by that miniſter againſt him. Ann. 1623.

THE parliament met on the twelfth of February, 1623. The king's ſpeech to this aſſembly was an echo of the new-adopted ſentiments of the favourite, and its contents a direct contradiction to his former doctrines on the like and every other occaſion. " The properties and cauſes of calling a parliament, ſays he, are to confer with the king and give him advice in matters of the greateſt weight and importance." He then tells them, " That the preſent purport of their meeting is to give him their counſel in the moſt intereſting matter that ever could concern a king; that though he had been upon a treaty with Spain for many years, the ſituation of his affairs continued doubtful till he ſent the prince Parliament. King's ſpeech. Parliam. Hiſt. vol. VI. p. 4. & ſeq.

" If thou be with me by four in the afternoon, it will be good time; and prepare thee to be a guard to me from keeping my heart unbroken with buſineſs, before my going to the progreſs. And thus God ſend me a happy and a joyful meeting with my ſweet Stenny this evening. Sweet-heart, when thou riſeſt keep thee from importunities of people that trouble thy mind, that at meeting I may ſee thy white teeth ſhine upon me." *MSS. in Br. Muſeum*, n. 6987.

Ann. 1623. to Madrid, with the man he moſt truſted—Buckingham; that on their return he found himſelf as far diſappointed of his end, as if he had been waked out of a dream." He is content that his ſecretaries, on the information of his ſon and Buckingham, ſhall relate unto them all the circumſtances of the Spaniſh management, and what he is likely to obtain, and that when they have heard all, *ſuper totam materiam*, he ſhall intreat their good and ſound advice. " One particular, ſays he, I muſt remember you of, becauſe it hath been much talked of in the country, that I ſhould be ſlack in my care of religion: My lords and gentlemen all, I pray you judge me charitably, as you would be judged; for I never made public or private treaty, but I always had a direct reſervation for the public weal and the cauſe of religion, for the glory of God and the good of my ſubjects; I only thought good ſometimes to wink and connive at the execution of ſome penal laws, and not to go on ſo rigorouſly as at other times, but not to diſpenſe with any or to forbid or alter any that concern religion, I never promiſed or yielded; I never did think it with my heart, nor ſpoke it with my mouth. My lords and gentlemen, adds he, it is not enough, although you are never ſo willing to give me your advice; for to plant will not ſerve the turn, if I, like a good gardiner, as well as plant do not weed away from the roots, and remove the obſtacles that hinder your ſo-good advice, of which the whole weed and manifeſt hindrance that can be is your jealouſy of me; free me from that, and for my actions I dare avow them before God and his angels; but jealouſy hath a deep ſting; take away that, and nothing can do me harm: You are my wife, and jealouſy is ſubject

ſubject to a wife, therefore remove it, and be not jealous Ann. 1623.
of me. For matters of privilege, liberties, and cuſtoms, be not over curious; I am your own kindly king, ye never ſhall find me curious in theſe things: Therefore do what you ought, and no more than your lawful liberties and privileges will permit, and you ſhall never ſee me curious to the contrary; I had rather maintain your liberties than alter them in any thing; ſhew a truſt in me, and go on honeſtly as ye ought to do, like good and faithful ſubjects; and what you have warrant for go on with, and I will not be curious, unleſs you give me too much cauſe. The next thing is, to beware that you take not in hand the maintaining of idle queſtions among you, which ſpoils good buſineſs: Remember, beware of genealogies and curious queſtions, as St. Paul ſpeaks; and do you keep to the ground and gravity of the great buſineſs for which I called you; and next, for all other things that are for the great and good governing of this kingdom. Let not any ſtir you up to lawqueſtions, debates, quirks, tricks, and jerks, but continue yourſelves in that honeſt modeſty whereby you may have my prayers to God for you, and procure the love of me, and a happy end to this parliament. God judge me, I ſpeak as a Chriſtian prince; never man in a dry and ſandy deſart, where no water is, did thirſt more in hot weather for drink, than I do now for a happy concluſion of this parliament. I now hope, after the miſcarriage of the laſt, that this may prove happy; I am neither curious nor captious enough to prevent it. Eſchew all occaſions of curious queſtions, which may hinder you in this great cauſe for which I have called you, and remember that ſpending of time is ſpoiling

Ann. 1623. of buſineſs. And I hope in God, and that by a faith in God, that by your actions this parliament I ſhall clearly ſee your hearts, and that you are the true repreſentative body of my ſubjects; for you know in your conſcience, that of all the kings that ever were, I dare ſay, never was king better beloved by his ſubjects than I am: Therefore, be you true glaſſes and mirrors of their faces; and be ſure you yield the true reflections and repreſentations as you ought to do. And this doing, I hope you ſhall not only find the bleſſing of God, but alſo by theſe actions procure the thanks and love of the whole people, for being ſuch true and faithful glaſſes. Laſtly, you ſhall never find me deſire any thing of you but what ſhall tend to the common good and weal of the kingdom."

Speaker choſen.

SIR Thomas Crew was choſen ſpeaker to this parliament: He was one of the members who diſtinguiſhed themſelves in the laſt, and one of thoſe, that, on its diſſolution, was ſent over on a frivolous errand to Ireland. His ſpeech to the throne was decent and popular; he teſtified a deſire that all the good bills brought in laſt parliament againſt monopolies, informers, and concealers, might paſs in this; that the good laws for religion might be confirmed; and that the jeſuits and ſeminary prieſts, by the execution of thoſe good laws, might, like a generation of locuſts, with an Eaſt wind, be blown over the ſea. He expatiated on the excellency of the common law of England; on the advantages of the king's wants being ſupplied in a legal manner by parliament, rather than by other courſes; on the good effects of concord; and called the tranſactions of the laſt

laſt aſſembly parliament-nullities. The lord-keeper Wil- Ann. 1623.
liams anſwered this ſpeech in a manner that ſhewed it had been little reliſhed by the king and miniſtry: He vindicated the management uſed to the Roman catholics, and the late demanded benevolence; took occaſion to extol Buckingham on the ſubject of the navy, but reprimanded the ſpeaker "for calling to remembrance the abortives of the late parliament."

Spaniſh treaty laid before the houſe.

THE ſubject on which the king had demanded parliamentary advice was entered upon with great eagerneſs by both houſes, and Buckingham was immediately called upon to lay before them the whole of his negotiation in Spain: This he did in a very artful manner. The generalities of his account were pretty much the ſame as have been given before in this hiſtory. To theſe were added many circumſtances favourable to his own conduct, and blackening to that of Briſtol's; others were exaggerated; others ſoftened, as they tended to theſe purpoſes. Though theſe circumſtances were afterwards ſtrongly refuted by the accuſed miniſter, they were at this time affirmed by the prince, who was called upon by Buckingham to vouch for their truth.

THE Spaniſh ambaſſadors were ſo fired at the reproaches thrown upon his catholic majeſty in the courſe of the narration, that they publicly complained of the affront, with an aſſertion, that if a ſubject of their maſter's had ſpoken in the like diſreſpectful terms of the king of England, he would not have eſcaped with impunity. This appeal was looked upon by both houſes as an inſolent attack on their privileges, and an addreſs

was

Ann. 1623. was immediately ſent up to the king, declaring the duke free from the aſperſions thrown upon him by the ſaid ambaſſadors; that he had delivered nothing in his narration but what he was led unto by the matter itſelf, wherein he was ſo far from tranſgreſſing, that he deſerved thanks and honour.

THE preſent popular conduct of the favourite, and the colourings he had thrown upon his negotiations at the court of Madrid, gained him ſo much real or ſeeming good will of the patriot members, that he was ſtiled in the houſe of Commons the Saviour of the nation. An addreſs was ſent up to the throne from both houſes, ſignifying, "That the treaties could not be longer continued, either with the honour of his majeſty, the ſafety of his people, the welfare of his children, or the ſecurity of his antient allies and confederates." James gave the parliament to underſtand, "That if they obliged him to enter into a war, the whole burthen of it muſt fall upon the people, his own eſtate being not ſufficient to defray the ordinary expences of government." This repreſentation was anſwered by a declaration of the Lords and Commons, in which the king was aſſured, "That on the diſſolution of the treaties they would be ready to aſſiſt him in a parliamentary manner, both with their perſons and abilities." James now thought of making his advantage of the preſent cordiality that ſubſiſted between him and his ſubjects, and at once demanded the enormous ſum of five ſubſidies and ten fifteenths for the war, and one ſubſidy and two fifteenths yearly till he had cleared himſelf of his debts; or if they would make it ſix ſubſidies and twelve fifteenths for the war, he

he would drop the laſt demand. To this was affixed a condition that the money granted for the war ſhould be put into the hands of commiſſioners appointed by parliament *. Ann. 1623.

* The inſincerity of the king's intention towards the parliament in this buſineſs, in which he promiſed to be guided wholly by their advice, may be ſeen in a letter Buckingham wrote to him on the occaſion of his fluctuating conduct.

"Dear dad and goſſip,

"Having more buſineſs than it was fit to ſpeak to you within a letter, I was once reſolved to have waited on you myſelf, but preſently came to me the news of the Spaniſh ambaſſador's going to you, which hath diverted my reſolution at this time; becauſe I will not encreaſe that in you which I have always found too much, and that I will not let the ambaſſadors think you are diſtruſted, though this gives enough and too much to your people. I have, to eaſe your labour, writ ſome things to Aran, by whom I likewiſe expect an anſwer; only I will trouble yourſelf with this, that I beſeech you to ſend me your plain and reſolute anſwer, whether if your people reſolve to give you a royal aſſiſtance, to the ſum of ſix ſubſidies and * * * fifteenths, with a promiſe in caſe of neceſſity to aſſiſt you afterwards with their lives and fortunes, whether then you will not accept it, and their counſel to break the match, with the other treaties; and whether or no, to bring them to this, I may not aſſure ſome of them underhand (becauſe it is feared when your turns are ſerved you will not call them together again, to reform abuſes and grievances, and the making of laws for the good government of the country) that you will be ſo far from that, that you will rather win them, deſiring nothing more than their love and happineſs, wherein your own is included. Sir, I beſeech you think ſeriouſly of this, and reſolve once conſtantly to run one way; for as long as you waver between the Spaniard and your own ſubjects, to make your advantages of both, you are ſure to do it with neither. I ſhould for my own contentment, though I am ſure I do you ſome ſervice here, and would be able, if you would do openly and heartily with me, do you more, and wait on you oftener; but that you go in two ways, and myſelf in one, it occaſions ſo much diſputes, that till you be once reſolved, I think it of more comfort and eaſe to you, and ſafer for me, that I bide

Ann. 1623. THE Commons were not ſo intoxicated with their zeal for a rupture with Spain, or ſo taken with the plauſible terms of the ſupply, as to abate of their carefulneſs in parting with the money of the ſubject. They entered into a long debate on the demand: Sir Edward Coke, in a ſpeech upon the occaſion, produced a calculation of the whole which ſuch a grant would amount to; he eſtimated it at 900,000 l. a larger ſum, he ſaid, than all England could raiſe with any conveniency. The reſolution of the debate was an offer of three ſubſidies and three fifteenths, as the firſt fruits of their good will *, with a promiſe of a further aſſiſtance, if, in the courſe of the war, it ſhould become neceſſary. James's affairs were at preſent too much embarraſſed to make a retreat. He accepted of the three ſubſidies and the three fifteenths, on the ſame terms he had offered for ſix; and a meſſenger was diſpatched to Madrid with his reſolution to break off further correſpondence with that court †.

THE Commons, who had by this time intimations of the new treaty of marriage that was carrying on at

bide away; for to be of your opinion would be flattery, and not to ſpeak humbly my own would be treachery: Therefore I will at this time, with all the induſtry of my mind, ſerve you here, and pray for the good ſucceſs of that, and the lengthening your days, with all the affections of his ſoul that will live and die in love with you,

Your majeſty's moſt humble ſlave and dog,

Guthrie, p. 804. Stenny."

* Four entire ſubſidies were granted by the clergy.

† When this was publicly known, the city of London teſtified their approbation by bonfires, ringing of bells, and other demonſtrations of joy. *Ruſhworth.*

Paris,

Paris, drew up a ſevere petition againſt the papiſts, and voted that a return ſhould be made to their houſe of all the names of popiſh recuſants throughout England, who were in offices of profit, truſt, or power *. Buckingham, who feared that if James was made deſperate he might break through his trammels and diſſolve the parliament, prevailed on the popular leaders in both houſes to moderate it before it was ſent up to the throne †.

Ann. 1624. Petition againſt popiſh recuſants.

* On the report of this petition, James diſpatched the following letter to ſecretary Conway:

" I doubt not but you have heard what a ſtinging petition againſt the papiſts the lower houſe hath ſent to the higher houſe this day, that they may jointly preſent it to me. You know my firm reſolution not to make this a war of religion; and ſeeing I would be loth to be coney-catched by my people, I pray you ſtay the poſt that is going into Spain, till I meet with my ſon, who will be here tomorrow-morning. Do it upon pretext of ſome more letters you are to ſend by him. And if he ſhould be gone, haſten after him to ſtay him, upon ſome ſuch pretext; and let none living know of this as ye love me; and before two in the afternoon tomorrow you ſhall, without fail, hear from me. Farewell.

" April 3, 1624." *Ruſhworth*, vol. I. p. 140, *& ſeq.*

† To bring the Commons to this moderation, the prince affected an intire ſimilarity of ſentiment; and profeſſed, under the bond of an oath, " That whenſoever it ſhould pleaſe God to beſtow upon him any lady that was popiſh, ſhe ſhould have no farther liberty but for her own family, and no advantage to the recuſants at home." The following is the petition which was preſented to the king:

" May it pleaſe your moſt excellent majeſty,

" It having pleaſed your majeſty, upon our humble ſuit and advice, to diſſolve both the treaties, to our great joy and comfort, we, your majeſty's moſt faithful and loyal ſubjects the Lords and Commons aſſembled in parliament, do in all humbleneſs offer to your ſacred majeſty theſe two petitions following.

Ann. 1624. THESE are the king's proteſtations in his anſwer to this petition: "For my part, I proteſt before God that my heart hath bled when I have heard of the increaſe of popery; God is my judge that it hath been ſuch a great grief to me, that it hath been as thorns in my eyes and pricks in my ſides; and, my lords and gentlemen, you ſhall be my confeſſors, that if I knew one way better than another to hinder the growth of popery, I would take it: For knowing what I do, and being perſuaded what I am, I could not be an honeſt man and do otherwiſe." To this James added, "That he would not only grant the ſubſtance of what was deſired in the petition, but add ſomething more of his own; that he would take order for the ſhameful diſorder of the reſorting of his ſubjects to all foreign ambaſſadors, and conſider of a method to reform the education of children born of popiſh parents."

"Firſt, that, for the more ſafety of your realms, and better keeping of your ſubjects in their due obedience, and other important reaſons of ſtate, your majeſty will be pleaſed, by ſome ſuch courſe as your majeſty ſhall think fit, to give preſent order, that all the laws be put in due execution that have been made and do ſtand in force againſt jeſuits and ſeminary prieſts, and all others that have taken orders by authority derived from the ſee of Rome, and generally againſt all popiſh recuſants; and as for diſarming them, that it may be according to the laws, and according to former acts and directions of ſtate in the like caſe; and yet that it may appear to all the world the favour and clemency your majeſty uſeth towards all your ſubjects, of what condition ſoever; and to the intent the jeſuits and prieſts now in the realm may not pretend to be ſurprized that a ſpeedy and certain day may be prefixed by your majeſty's proclamation, before which day they ſhall depart out of your realm, and all other your highneſs's dominions; and neither they, nor any other, to return or come hither again, upon the ſevereſt penalties of the laws now in force againſt them; and that all your majeſty's ſubjects may be thereby alſo admoniſhed not to receive, entertain, comfort, or conceal, any of them, upon the penalties and forfeitures which by the laws may be impoſed upon them.

"Secondly, ſeeing we are thus happily delivered from that danger which theſe treaties now diſſolved, and that uſe which your ill-affected ſubjects made thereof, would certainly have drawn upon us, and yet cannot but foreſee and fear leſt the like may hereafter happen, which will inevitably bring ſuch perils into your majeſty's kingdoms, we are moſt humble ſuitors to your gracious majeſty, to ſecure the hearts of your good ſubjects by the engagement of your royal word unto them, that, upon no occaſion of marriage or treaty, or other requiſite in that behalf, from any foreign prince or ſtate whatſoever, you will take away or ſlacken the execution of your laws againſt jeſuits, prieſts, and popiſh recuſants.

"To which our humble petitions, proceeding from our moſt loyal and dutiful affections towards your majeſty, our care of our country's good, and our own confident perſuaſion that theſe will much advance the glory of Almighty God, the everlaſting honour of your majeſty, the ſafety of your kingdoms, and the encouragement of all your good ſubjects, we do moſt humbly beſeech your majeſty to vouchſafe a gracious anſwer." *Parliam. Hiſt.* vol. VI. p. 128, *& ſeq.*

Ann. 1624.

EVERY circumſtance of the peoples' grievances, either in point of foreign trade or domeſtic impoſitions, were at this time, with unreſtrained liberty, canvaſſed in the lower houſe. A private pique entertained by the prince and the favourite againſt Lionel Cranfield, earl of Middleſex, the preſent lord-treaſurer, induced them to encourage inquiries, to which he was the deſtined victim. In a conference between the two houſes, Sir Edward Coke laid open a charge againſt him for bribery and various miſdemeanors in the execution of his offices. At this conference he claimed for the Commons the right of being the inquiſitors-general of the grievances

Earl of Middleſex proſecuted.

Ann. 1624. of the kingdom, and ſhewed that they were ſo appointed by the wiſdom of the ſtate for three ſeveral cauſes:

I. Becauſe they have beſt notice from all parts thereof:

II. Becauſe it is not the nobility, but the weakeſt Commons, that go to the wall:

III. As in a natural body not the diſeaſe, but the neglect of cure, killeth, ſo the long delay of grievances; and this would happen if they were not found out by the Commons.

AFTER a tedious trial the accuſed was found guilty of malverſation in the ſeveral offices of, maſter of the wardrobe, maſter of the court of wards, and treaſurer. The following ſentence was paſſed againſt him by the Lords:

His ſentence. THAT he ſhould be deprived of all the offices which he held in the kingdom:

THAT he ſhould be incapacitated from holding any office, place, or employment, in the ſtate or commonwealth:

THAT he ſhould be impriſoned in the Tower of London during the king's pleaſure:

THAT he ſhould never ſit more in parliament; and,

THAT

THAT he ſhould never come within the verge of the Ann. 1624. court *.

THIS ſtate-officer had been brought up to trade; he had received moſt of his education in the cuſtom-houſe, and was from thence introduced to Somerſet as a man of a projecting head, and who, from an acquired knowledge in the cuſtoms, might be ſerviceable towards the forming and executing of plans to encreaſe the king's revenue. He made himſelf ſo uſeful to Buckingham, that he was by that favourite promoted to the higheſt offices, at length married to one of his kinſwomen, and obtained the titles of baron Cranfield and earl of Middleſex; he had rendered himſelf very agreeable to James by a ſeeming aſſiduity in his ſervice; and this circumſtance, with the affluence of his fortune, made him throw off that humble carriage to his patron which was exacted from all his creatures. Hence aroſe the animoſity which produced his diſgrace. The proſecution was an invidious one, and the charge brought againſt him not very material: But the Commons were actuated with a laudable zeal of rendering exemplary, and ſacrificing to juſtice, thoſe harpies in office who prey upon the vitals of the commonwealth.

* On the firſt complaint that was made againſt the earl of Middleſex in the lower houſe, he offered to juſtify himſelf by his counſel: This created a jealouſy in the Lords, that it might trench deep into their privileges, for a member of their houſe to anſwer an accuſation in the houſe of Commons. On the lord-treaſurer's requeſt they waved this formality; but an order was made, "That hereafter no member of the Lords'-houſe ſhould, without licence, anſwer any complaint in the houſe of Commons, either in perſon or by his counſel." *Parliam. Hiſt.* vol. VI. p. 133.

IT

Ann. 1624.

It was not without grounds that Cranfield flattered himſelf with a powerful protection from his maſter: James had the inclination, but not the ability, to ſerve him; he not only lamented his fate, but endeavoured to form a party in his favour, and gave directions to Williams to make intereſt among the members to this purpoſe. Theſe efforts were fruitleſs *; as fruitleſs were his expoſtulations to his ſon and to his inſolent minion on the madneſs of their preſent conduct: He told the one, "That he was making a rod to ſcourge himſelf," and the other, "That he would have his belly full of parliamentary enquiries."

A CHARGE was now ſent up by the Commons againſt Samuel Harſnet, biſhop of Norwich; it contained ſundry articles of divers extortions and ſuperſtitious ceremonies practiſed by himſelf, and exacted from others, in the government of his dioceſe. The Lords excuſed themſelves from entering on this affair, and referred the examination of it to the high-commiſſion court, with a promiſe to give judgment after they had heard their report. Harſnet had preached a ſermon at Whitehall that gave great offence to the Commons, from the ſcripture-text, "Give unto Cæſar the things that be Cæſar's." He inſiſted that goods and money were Cæſar's (the king's) and therefore could not righteouſly be denied him. James appeaſed the anger of the Commons by telling both houſes, "That the biſhop failed in not adding,

* The regard to juſtice influenced ſome againſt him, and the awe of the prince and duke others; ſo that Williams could obtain but one vote in his favour.

that

that goods were Cæſar's according to the laws and cuſ- Ann. 1624.
toms of the land *.

THE Commons, on hearing that the king intended to put an end to the ſeſſions in three or four days, ſent a meſſage to the Lords to the following effect: "That the difficulties attending the ſubſidy-bill had prevented their finiſhing many matters of weight then depending, for which reaſon they entreated their lordſhips to join in a petition to his majeſty for a longer term." The prince of Wales, who was preſent when the meſſage was delivered, undertook to move the king to grant the requeſt. By the means of this interceſſion, James was prevailed on to prolong the ſeſſions from Saturday the twenty-ſecond inſtant to Saturday the twenty-ninth, on condition that neither of the houſes would entertain any new matter. A liſt of all the popiſh recuſants in offices of profit, truſt, or power, with a petition affixed to it, was ſent up from the Commons to the Lords, with an invitation to join with them in a repreſentation on that ſubject to the king †. The Lords excuſed themſelves

* This certain path to preferment, the biſhop's flattering doctrine, conducted him at length to the poſſeſſion of the ſee of York.

† In this liſt were ſixty known or ſuſpected papiſts, and twenty-nine whoſe wives, children, and ſervants, were papiſts. The petition affixed to it ends thus: "Now, in conſideration of the great countenance hereby given to popery, the great grief and offence to all your beſt-affected, true, and loving ſubjects, the apparent danger of the whole kingdom, by putting the power of arms into ſuch hands as, by former acts of your majeſty's council, are adjudged perſons juſtly to be ſuſpected, and themſelves fit to be diſarmed: Your ſaid loyal and faithful ſubjects do moſt humbly beſeech your majeſty graciouſly

to

Ann. 1624. from the ungracious taſk by alleging it as a kind of judgment and condemnation of the party before the hearing the defence; which, they added, would affect their reputation as a court of judicature. Before the end of the ſeſſions the Lords came to theſe laudable reſolutions concerning the extent of their privileges in the freedom of their ſervants and followers from arreſt; viz. "That this freedom ſhould continue but twenty days before and after every ſeſſions; that all the Lords for the future be very careful in this point, and remember the ground of this privilege, which was only in regard that they ſhould not be diſtracted by the trouble of their ſervants from attending the ſerious affairs of the nation; that therefore they will not pervert that privilege to the public injuſtice of the kingdom, which was given them chiefly that the whole realm might, in this high court, draw the clear light of juſtice from them, in which caſe every one ought rather to keep far within than any way exceed their due limits; that hereafter before any perſon be ſent for in this kind the Lord whom he ſerves ſhall, either by himſelf or by meſſage, certify the houſe, upon his honour, that the perſon arreſted is within the limits of the privileges before expreſſed: And for the particulars, they muſt be left to the judgment of the houſe, as the caſe ſhall come in queſtion; wherein the houſe wants no means, as well by oath as without, to find out the true nature of the ſervant's quality in his lord's ſervice; thereupon if it be adjudged by the houſe contrary to the true intent, any member whatſoever muſt not think it ſtrange if, in ſuch a caſe, both himſelf ſuffer reproof, as the houſe ſhall think fit, and his ſervant receive no benefit from the privilege, but pay the fees; becauſe the juſtice of the kingdom muſt be preferred before any perſonal reſpect, and none to be ſpared that ſhall offend after ſo fair a warning."

to vouchſafe that the ſaid lords and gentlemen above-named, for theſe important reaſons, and for the greater ſafety of your majeſty, and of your realm and dominion, may be removed from all your majeſty's commiſſions of great charge and truſt, commiſſions of lieutenancy, oyer and terminer, and of the peace, and from all offices and other places of truſt." *Parliam. Hiſt.* vol. VI. p. 322, *& ſeq.*

Ann. 1624.

THE Lords ſeemed now to reſent the ſevere precedent againſt the members of their houſe, in the caſe of the late treaſurer. After having heard the report of their committee concerning judicature, they ordained, "That in all caſes of moment the defendant ſhould have copies of all depoſitions, both *pro & contra*, after the publication, a convenient time before hearing, to prepare themſelves; and that on demand they ſhould have learned counſel to aſſiſt them in their defence*. Likewiſe that it ſhould be conſidered on the next meeting at what time and for what cauſes a member of that houſe ſhould be brought to the bar."

Parliament prorogued.

ON the twenty-ninth of May the parliament was prorogued to the ſecond of November next enſuing. The Commons had made ready to paſs the royal aſſent all the depending bills †, and for this one time they parted with the king in ſeeming good humour.

* Theſe indulgencies had been denied in the caſe of the earl of Middleſex.

† Acts paſſed this ſeſſions.

1. An act for making perpetual an act made *anno* 39 Eliz. entitled,

Ann. 1624. JAMES's condeſcenſion in permitting the parliament to be their own treaſurers turned out to be a piece of groſs

tled, "An act for the erecting of hoſpitals and work-houſes for the poor."

2. An act for the quiet of the ſubject againſt concealments.

3. An act concerning monopolies, and diſpenſations with penal laws.

4. An act for the eaſe of the ſubject concerning informations upon penal ſtatutes.

5. An act that ſheriffs, their heirs, &c. having a *quietus eſt*, ſhall be diſcharged of their accounts, with the judges' opinion therein.

6. An act concerning women convict of ſmall felonies.

7. An act to repreſs drunkenneſs, and to reſtrain the haunting of inns, &c.

8. An act to puniſh abuſes in procuring *ſuperſedeas* of peace out of the courts of Weſtminſter, and to prevent the abuſes in procuring writs of *certiorari* out of the ſaid courts.

9. An act for the free trade of Welſh cloths, &c. in England and Wales.

10. An act to repeal a branch of the ſtatute an. 34 Hen. VIII. entitled, "An act for certain ordinances in the king's dominions and principality of Wales."

11. An act for confirmation of a judgment given for his majeſty in a *ſciro facias* againſt Henry Heron, and for declaration of the letters patent therein mentioned to be void.

12. An act to make perpetual the act for eaſe in pleading againſt troubleſome ſuits proſecuted againſt juſtices of the peace, mayors, &c.

13. An act for the further reformation of jeofails.

14. An act to admit the ſubject to plead the general information of intruſion brought in the king's behalf, and to retain his poſſeſſion till trial.

15. An act to enable judges to give reſtitution of poſſeſſion in certain caſes.

16. An act for limitation of actions, and for avoiding of ſuits in law.

17. An act againſt uſury.

18. An act for the continuance of a former ſtatute made 4 Jac. entitled, "An act for the true making of woollen cloth."

king-craft: On accepting the ſubſidies he made the following declaration: "I deſire you to underſtand, ſaid he, that I muſt have a faithful ſecret council of war, that muſt not be ordered by a multitude, for ſo my deſigns may be diſcovered before-hand. One penny of this money ſhall not be beſtowed but in ſight of your Ann. 1624.

19. An act for the farther deſcription of a bankrupt, and relief of creditors againſt ſuch as ſhall become bankrupts, and for inflicting a corporal puniſhment upon them in ſuch a caſe.

20. An act to prevent curſing and ſwearing.

21. An act concerning hoſtlers and innholders.

22. An act for explaining a ſtatute an. 3, 4, 5 Ed. VI. concerning the traders of butter and cheeſe.

23. An act to avoid delays by removing of actions out of inferior courts.

24. An act for relief of creditors againſt ſuch as die in execution.

25. An act for relief of patentees, tenants, and farmers of crown lands and duchy lands.

26. An act againſt ſuch as ſhall levy any fine, ſuffer any recovery, knowlege, any ſtatute, recognizance, bail, or judgment, in the name of any perſon not privy thereunto.

27. An act to prevent the murdering of any baſtard children.

28. An act to continue divers ſtatutes and repeal others.

29. An act to enable Prince Charles to make leaſes of lands parcel of the duchy of Cornwall, or annexed to the ſame.

30. An act to aſſure York-houſe and other lands to the king, and to aſſure the manors of Brighton Santon and other lands to the archbiſhop of York.

31. An act for the good government of the makers of knives in Hallamſhire, in the county of York.

32. An act to make the Thames navigable from the Bercat to Oxon.

33. An act for the ſubſidies of the clergy.

34. An act for three ſubſidies, three fifteenths, and tenths, granted by the temporality, with the judges' opinion.

35. An act for the king's general pardon.

Private acts 38. *Vide Statutes at Large. Vide Ruſhworth.*

Ann. 1624. committees: But whether I ſhall ſend two thouſand or ten thouſand, whether by ſea or by land, Eaſt or Weſt, by diverſion or otherwiſe, by invaſion upon the Bavarian or the emperor, you muſt leave that to your king." Thus, though the parliament had appointed their receivers, and their council of war, yet, as theſe commiſſioners were to anſwer all money-draughts made upon them by the crown, the power was nothing more than nominal, and a device of Buckingham's to cajole the Commons into a liberal grant.

THE jealouſy which the Lords conceived leſt the lower houſe ſhould get an increaſe of privileges by this joint power, and the want of precedent for the drawing up ſuch a bill, made it a work of time and difficulty, notwithſtanding the judges had given it as their opinion, that there was nothing in this act which could impeach or blemiſh the privileges of the higher houſe, or add to thoſe of the lower, ſave in the caſe in queſtion. The Lords entered a proteſtation, that no word, matter, or thing, in this act, ſhould be conſtrued hereafter to make any alteration in the juriſdiction, power, privilege, or authority, of either houſe. So active was this ariſtocratical aſſembly, in all theſe points of partial privilege.

THE propoſal of a marriage between the prince of Wales and the princeſs Henrietta, had been received by the French court with evident marks of extreme ſatisfaction. Their natural jealouſy of the houſe of Auſtria was at this time much augmented by ſome late attempts of the Spaniard upon the boundaries of France;

France*, and the additional ſtrength which this formidable neighbour was on the point of attaining, by an union with a naval power, gave them the moſt alarming apprehenſions. Beſides theſe conſiderations, which engaged the French monarch to wiſh the diſſolution of the late treaty between the crowns of Spain and England, an alliance with the latter was much to be coveted by himſelf: His proteſtant ſubjects could never be totally extirpated, if properly ſupported by their brethren in England, and the offered union with the Stewart family would probably deprive them of ſuch an aſſiſtance. This being the opinion and diſpoſition of the French miniſtry, it is no wonder that James's ambaſſador met with the moſt cordial reception: Amongſt many high compliments, Lewis told him, "That he had rather have the prince of England for his brother-in-law than any man in the world; that in the terms of this deſired union he ſhould not be directed by the pope, but agree to ſuch as did conſiſt with reaſon." Ann. 1624.

SPAIN at this time had not given up all thoughts of renewing the interrupted treaty. A juncture thus favourable might have enabled James, with any degree of conduct, to have concluded the alliance on ſafe and honourable terms; but his vehemence was ſo apparent that the French court altered their tone, and told his ambaſſador, the earl of Holland, to whom the earl of Carliſle was at this time joined in commiſſion, "That the ſame favourable articles for the Roman catholics were expected as had been before yielded to Spain. No

* This was the Valteline, which country Spain had ſeized.

interruption

Ann. 1624. interruption of the negotiation followed theſe new and high demands *. They were immediately complied with by the ambaſſadors, with theſe only exceptions:

* André du Cheſne, a French author, wiltes in the following manner on this treaty:

" La recherche et propoſition que les ambaſſadeurs Anglois firent de l'alliance du prince fils unique du roi leur maitre avec madame fille de France, fut ſi agreablement receve du roy tres Chreſtien, et de ſes principaux conſeillers, qu'ils nommerent auſſi toſt des commiſſaires pour travailler avec eux au traité du mariage, mais on eut ſujet de douter s'il ſe pourrait contracter ſans les conditions deſirées par le roy de la Grande Bretagne et ſes ſujets tant proteſtant que puritains. Car de penſer obtenir les meſmes advantages pour les catholiques d'Angleterre, que le roy d'Eſpagne avoit demandez, puis-que ces proteſtant et puritains les jugeoint repugnants au repos de leur eſtat, et que leur roy meſme leur avoit perſuadé qu'il n'avoit rompu avec l'Eſpagne qu'en cette conſideration, il y avoit bien peu d'apparence. Neantmoins le marquis d'Effiat ayant eſté choiſy pour negocier une ſi importante et difficile affaire, en qualité d'ambaſſadeur extraordinaire, il en fiſt reuſſir le ſuccee a l'honneur du roy, et de toute la France. Car en premier lieu il obtint que pour la ſeurté des catholiques Anglois, le roy d'Angleterre, et le prince de Galles, ſon fils, bailleroient des actes ſolemnels, et feroient ſerment ſur les ſaints evangiles. Secondement, au lieu que les Eſpagnols s'etoient contentez d'une vingtaine de ſimple prêtres pour la princeſſe et toute ſa cour, on lui accorda qu'elle auroit vingt-ſix eccleſiaſtiques de tels ordres qu'il lui plairoit les choiſir avec liberté de porter l'habit de leur ordre en public. Il obtint de plus que les enfans qui naitroient du mariage ſeroient nouris et ellevez a la catholique aupres de la princeſſe juſquà l'age de treize-ans, bien que les Eſpagnols ſe fuſſent relachez a dix. Et n'eut eté que le marquis de la Vieuville, qui pour lors avoit la principale authorité aupres du roy tres Chretien, paſſa des le commencement trop de choſes dans les conditions du traité, l'on eut encore beaucoup mieux pris ſes avantages pour le bien de la religion. Car il n'euſt pas eté poſſible d'obtenir ce que deſſus, s'il fut demeuré dans la meme authorité. Mais le changement qui arriva en donna le moyen. Le cardinal de Richelieu prenant le ſoin des affaires par le commandement du roy, il authoriſa ſi bien les choſes et negocia avec les ambaſſadeurs

THAT a toleration ſhould not be granted in the pub- Ann. 1624.
lic articles, nor a church in London allowed to the Roman catholics. To balance this, the children were to be brought up under the care and inſpection of the princeſs Henrietta till the age of thirteen; and three private articles were agreed to:

THAT the catholics, both eccleſiaſtic and temporal, impriſoned ſince the laſt proclamation which followed the breach with Spain, ſhould be all ſet at liberty:

THAT the Engliſh catholics ſhould be no more ſearched after, nor moleſted for their religion:

THAT the goods of the catholics, as well eccleſiaſtic as temporal, that were ſeized on ſince the afore-mentioned proclamation, ſhould be reſtored to them.

As haughty and inſolent were the demands of France in regard to the temporal articles of jointure and fortune *, and equally abject were the conceſſions of James.

ambaſſadeurs Anglois avec tant de prudence et de dexterité qu'ils furent contraints de ceder a ce puiſſant eſprit. Ce qui donna plus de moyen au marquis d'Effiat de faire agreer en Angleterre ce qui avoit eté facilité en France." *Du Cheſne*, fol. edit. Paris, 1641, p. 1180, *& ſeq.*

* Henrietta's jointure was to be ſixty thouſand crowns a year. If ſhe was left a widow without children, her whole portion, which was eight hundred thouſand crowns, was to be returned to her, to be diſpoſed of as ſhe pleaſed, ſhe ſtill enjoying her dower; in caſe of children, two thirds were to be reſtored, the other third to remain to the children; the two thirds reſtored to the mother to revert to them in caſe ſhe died unmarried, or without children by a ſecond marriage; in

Ann. 1624. THE whole negotiation on the ſide of Lewis was conducted by the artful miniſter Richlieu, who was at this time introduced into the French councils through the intereſt of the queen-mother. By his advice the archbiſhop of Ambrun was ſent as a ſecret agent to interceed for the catholics, but in effect to ſound James's inclination towards the popiſh faith. This prelate gained from certain papiſts, who were upon a footing of familiarity with James, ſuch uſeful intelligence that he ſoon found means to attain the higheſt degree of favour and confidence: Conferences grew frequent between them. One of theſe having turned upon a full toleration to the catholics in England, and on the deſire which James had of living in a ſtrict union with the king of France, the archbiſhop acquitted himſelf ſo well, that the king, giving him a ſqueeze by the hand, told him, "That he perceived he was the man ſent to him from God, to whom he might open freely his mind." After this, he

in the caſe of children by a ſecond marriage, theſe children of the ſecond bed to divide the two thirds with thoſe of the firſt; in the caſe of her dying before the prince, without iſſue, half of the portion was to be paid back to the king of France; that the king of Great Britain ſhould preſent her on her marriage fifty thouſand crowns' worth of jewels, which jewels were to be her own property; her jointure to be aſſigned her in lands, caſtles, and houſes, one whereof to be made fit for her to reſide in, and furniſhed ſuitably to a princeſs of her quality; that ſhe ſhould have the free diſpoſal of the offices and benefices of the ſaid lands, part of which lands were to have the title of duchy or earldom; that ſhe ſhould have liberty, whether ſhe had children or not, to return to France with her houſhold goods, jewels, diamonds, and portion, as ſpecified in the articles above; and in this caſe the king of England to conduct her to Calais at his charge. *Somers's third Collection of Tracts*, 1751, vol. I. p. 262, *& ſeq.*

went

went upon the chimerical project he had long planned Ann. 1624.
for the uniting all Chriſtians to one form of worſhip *; and on an intention he had of calling an aſſembly of divines, both foreign and Engliſh, to be held at Boulogn or Dover, to the end of ſettling proper means to carry his project into execution. With this he put into the archbiſhop's hands a memorial on the ſubject, that being thus provided, he might begin the negotiation with the pope and the king of France, whilſt himſelf undertook to deal with the king of Denmark and the proteſtant princes of Germany.

THIS narrative of Ambrun's is very much of a piece with the impertinent ſchemes and conceited opinions of James. He regarded religion in no other light than as a proper inſtrument to effect paſſive obedience in ſubjects: For this reaſon he treated the material points of faith that diſtinguiſh the Roman catholic and reformed religions as meer ſchool-queſtions, too inſignificant to make a ſchiſm in the church the beſt ſuited for the arbitrary purpoſes of princes, except in the one tenet of ſuperior allegiance to the pope. This doctrine he wanted to inculcate to all ſovereigns, and to form a kind of fraternal league, in which they ſhould oblige the pope to give up this claim, and yield each other mutual aſſiſtance in quelling the rebellious opinions of their ſubjects †. It was with a view of ſuch ſupport from the

* Cornwallis gives us the account of a long converſation he had with the duke of Lerma on this ſubject of a general uniformity in the mode of Chriſtian worſhip. *Winwood's Memorials*, vol. II. p. 461, *& ſeq.*

† He openly profeſſed the following reaſon for abandoning the

Ann. 1624. Auſtrian family that he had puſhed on that alliance with all its diſgraceful dangerous conditions.

He was at this time actuated by the ſame expectations in the preſent treaty with France, and aſſumed ſo much upon them as to permit the archbiſhop of Ambrun to adminiſter public confirmation in the French ambaſſador's houſe to all that ſhould apply: The number was ſo great that the magiſtrates of London complained of it; the king owned that it was done by his permiſſion. This was immediately after the ſtrong declaration he had made to the parliament againſt ſuch a practice. He was at this time ſo exalted with an expectation of brotherly friendſhip from the king of France, that he told the Lords of the council, with a kind of tranſport, that Lewis was ſo much his friend as to offer to aſſiſt him in perſon if ever he ſhould deſire him: "Truly, adds he, he has gained ſo much upon me by this kindneſs, that in any thing that ſhall concern him I will employ not only my peoples' lives, but my own; and whatſoever of his ſubjects ſhall riſe againſt him, either catholics or others, ſhall find me a party for him."

The Engliſh ambaſſadors who were now negotiating the treaty of marriage in France, had orders to propoſe

Palſgrave's cauſe: That there is an implicit tie among kings which obligeth them, though there be no other intereſt or particular engagement, to ſtick to and right one another upon an inſurrection of ſubjects; therefore he had more reaſon to be againſt the Bohemians than to adhere to them, in the depoſition of their ſovereign prince. *Howel's familiar Letters.*

to that court a league againſt the houſe of Auſtria: Ann. 1624. Lewis's miniſters liſtened to this propoſal; but at the ſame time told the ambaſſadors, "That the league and marriage were two diſtinct things, that could not be negotiated together; but that after the concluſion of the marriage they would treat of the league."

The aid granted to the king the laſt parliament was computed to be conſiderable enough to ſend five-and-twenty thouſand men into the Palatinate: Six thouſand, under the command of the earls of Oxford, Southampton, Eſſex, and the lord Willoughby, were immediately embarked for Holland to join the army of the ſtates. Though the united corps of Dutch and Engliſh made a conſiderable army, yet the prince of Orange could not prevent the town of Breda from falling into the hands of Spinola. During the ſiege of Breda, many of the Engliſh died by ſickneſs: This was the fate of the gallant earl of Oxford, who was one of the volunteers that oppoſed the Spaniſh forces in the Palatinate. He was afterwards impriſoned for ſpeaking freely againſt the Auſtrian match; on the return of the prince from Madrid obtained his liberty and the command of a regiment. Other troops were levied to be under the command of Mansfeldt, who with theſe was to open a paſſage into the Palatinate: According to this reſolution Mansfeldt came into England, and Lewis was preſſed farther on the ſubject of the league, or at the leaſt to grant a free paſſage to the Engliſh troops through his dominions. Evaſive anſwers were taken as certain promiſes, and Mansfeldt ſet out at the head of twelve thouſand men, to make his paſſage through France into

Ann. 1624. Germany. Preparatory to this march a demand was made of the city of Frankendale to the infanta Iſabella, who, according to the treaty at London, was to deliver it up on the twenty-ſixth of October. At the ſame time was demanded a free paſſage through the German territory for the troops that were to be ſent to garriſon it. The infanta anſwered, " That ſhe would freely ſurrender the town on the day appointed, to ſuch as ſhould produce a power from the king of England; that ſhe would grant a paſſage through her own and the king of Spain's dominions, according to the words of the treaty; but to procure a paſſage for the Britiſh troops through the empire, ſhe declared was not in her power, nor was ſhe obliged to do it." To compleat this farce, on the twenty-ſixth of October, the day in which Frankendale was to be re-delivered, Spinola with his troops marched out of the town, and finding none of James's forces ready to take poſſeſſion, he inſtantly re-entered, pulled down the arms of the king of England, and ſet up thoſe of the king of Spain. The twelve thouſand men under the command of Mansfeldt were embarked for the French coaſt in the month of December, the very depth of winter. When they arrived at Calais they were not ſuffered to land; after much time was ſpent in meſſages backward and forward between them and the court, the king of France poſitively aſſerting he had never promiſed to grant them a paſſage, they were forced to ſail to Zealand *, where they met with the

Ruſhworth, vol. I. p. 151.

* The prince of Wales and the duke of Buckingham, who were at preſent the ſole managers of the affairs of ſtate, looked upon the aſſiſtance of France as a thing to be depended upon, Lewis being in a manner bound by the ties of friendſhip and intereſt. A diſpute then ſubſiſting

ſame difficulty as they had juſt experienced at Calais: Ann. 1624. The Zealanders excuſed themſelves from receiving ſuch a number of unexpected gueſts, on the pretence of a deficiency of proviſions.

During a tedious negotiation, in which meſſengers were ſent to the Hague and afterwards to London, the peſtilence ſeized the ſoldiers, and carried off above two thirds. Of the few that eſcaped the ſickneſs ſome deſerted and ſome liſted themſelves among their countrymen in the ſervice of the States.

Thus was exemplified the utility of James's proviſo, that the conduct and direction of the war muſt be left to the king. This refuſal of receiving his troops was the ſecond barbarous inſult which he had received from the Dutch republic. In the iſlands from whence the Portugueſe and Spaniards had been driven by the States, the Engliſh, according to treaty, were to enjoy a third part of the trade; of the Engliſh factories ſettled in theſe parts, a few families lived at Amboyna under the protection of a Dutch eſtabliſhment; according to the nature of rivalſhip, an ill correſpondence ſoon ſubſiſted between the two people: A plot was trumped up againſt the Engliſh, as if they had formed a deſign to deſtroy the Dutch ſettlement; all of them were ſeized, examined, and put to a variety of tortures that exceeded every

Maſſacre at Amboyna.

ſubſiſting between him and the king of Spain concerning the Valteline, the view of theſe ſhallow politicians was not comprehenſive enough to take in the bigoted prepoſſeſſions that actuated this monarch, the arbitrary deſigns of his miniſter, or the variety of capricious principles which influence the meaſures of a court.

diabolical

Ann. 1624. diabolical invention of the kind that had been before known: Thoſe that purchaſed relief by confeſſion retracted it with their dying breath; the greater part retained their fortitude, and expired under their tortures; a few that ſurvived theſe cruelties were ſent out of the iſland to other Engliſh plantations. Thus the whole factory was deſtroyed, and the Dutch remained ſole maſters of the trade *.

THIS cataſtrophe happened at the time when James had given up all hopes of the Spaniſh alliance, and when he was puſhed on by the violent meaſures of his favourite to a rupture with that ſtate. This being his ſituation, the friendſhip of the Dutch was too valuable to be hazarded by an ill-timed reſentment; he was obliged to accept of their excuſes, and to put up with this

* It is very probable that the late behaviour of the Zealanders aroſe from the fear of admitting ſo large a body of Engliſh troops, leſt they might have fallen upon ſome method of revenging the maſſacre of Amboyna. James had been upon ill terms with the Dutch for ſome time; in the year 1609 he iſſued a proclamation for preventing the promiſcuous fiſhing of ſtrangers on the Britiſh coaſt: The Dutch refuſed to comply with this proclamation, and defended their fiſhing veſſels with a naval force. Theſe ſpirited republicans had entertained a ſtrong jealouſy on the intended connection between the Engliſh and the Spaniſh courts: They reſented the neglect James had ſhewn to the proteſtant cauſe, in the baſe deſerting his ſon-in-law, the elected king of Bohemia. This, with the contempt they had for his perſon and government, occaſioned them to commit continual infringements in the treaty that ſubſiſted between them and the ſtate of England: They moleſted the Engliſh in their Eaſt-India trade, and in Greenland, where the citizens of London had eighteen ſhips employed in the whale-fiſhery; theſe crews were ſurprized and murdered by the Dutch on pretence that they had an excluſive privilege of fiſhing on that coaſt. *Guthrie. Carleton's Letters.*

flagrant

flagrant breach of faith, without exacting any kind of atonement. Humiliating as were theſe accumulated diſgraces, the domeſtic ones ſuſtained by him at this time he much more impatiently reſented: Such was the deſpotiſm exerciſed over him by Buckingham, that, on Briſtol's arrival, he was conſtrained to ſend a command to him, to confine himſelf to his own houſe. According to repeated ſolicitations of the accuſed, commiſſioners were appointed to examine into the nature of his offence: After a minute interrogation they declared, that they could find nothing blameable in his conduct. Notwithſtanding this, his confinement was continued, and himſelf given to underſtand by Buckingham, "That he was much miſtaken if he imagined that his anſwers were ſatisfactory to the king, the prince, or to him (the duke); that his only way of regaining favour was to make the confeſſion he had ſent him." James exclaimed againſt ſuch a treatment, and told Buckingham, "It was an horrible tyranny to make an innocent man declare himſelf guilty." Notwithſtanding this, he could not obtain leave to admit him to his preſence, as the offered terms had been refuſed, though he had ſolemnly promiſed ſuch a permiſſion. Ann. 1624.

JAMES ſeems to have reſigned himſelf to the preſent neceſſity with an intention of breaking from his thraldom on the firſt favourable opportunity. He was ſenſible that the authority which his inſolent minion maintained over him was entirely owing to circumſtances ariſing from the familiarity that had ſubſiſted between them, and from a temporary popularity, unſupported by character, principle, or capacity; an occaſion would

un-

Ann. 1624. undoubtedly offer to throw him off, when he was again become the object of public odium; in this attempt he was certain of having aſſiſtance from men whoſe abilities were infinitely ſuperior to thoſe of his ungrateful ſervant, men by whom Buckingham was deteſted from motives of envy, and from the inſolence of his carriage: Of theſe none were more inveterate than Williams, who had been long upon ill terms with his patron, on his attempt to undermine him in James's favour, and his oppoſition to him in council on the rupture with Spain. He had lately endeavoured to eradicate from his mind unfavourable impreſſions, by the moſt abject ſubmiſſion and affected zeal for his ſervice; theſe endeavours had been fruitleſs, and Buckingham had ſhewn him ſuch a ſtrong teſtimony of his ill will, as to have made a puſh at him in the houſe of Commons the laſt ſeſſions; but the complaints were thought too frivolous and too ill-grounded to bear an impeachment. In this ſituation Williams's ſafety was incompatible with Buckingham's power, who had likewiſe a dangerous enemy in Briſtol, on account of the ſtrong evidence he could produce of his abſurd conduct at Madrid, and his groſs impoſitions on the nation by a falſe detail to the parliament of the tranſactions at the court of Spain. Such a concurrence of malice and matter could not fail to cruſh him at ſome unlucky period; of this he was very ſenſible, when the unexpected death of the king at once diſpelled his fears, and fixed his tottering ſituation.

The king's death.

About the middle of March James was ſeized with a tertian ague, which terminating in a fever, put an end to

to his life on the twenty-ſeventh of the ſame month, and in the fifty-ninth year of his age. During the courſe of his illneſs he was ſo cloſely beſet by Buckingham and his family, that the reſt of the courtiers were not permitted to ſee him till he was in the laſt agonies. Without the knowledge of his phyſicians they applied a plaiſter to his ſide, and gave him a potion whoſe operation was followed by the fever, which terminated his days. Theſe circumſtances, added to the criticalneſs of his deceaſe, gave riſe to ſuſpicions of the darkeſt nature; the proſecution of inquiries was timely put an end to by the authority of Charles, and the affair thus favourably conſigned to an eternal uncertainty. Ann. 1625.

His perſon. Weldon.

James was of a middle ſtature, of a fair complection, and a ſoft ſkin; his perſon plump but not corpulent, his eyes large and rolling, his beard thin, his tongue too big for his mouth, his countenance diſagreeable, his air aukward, and his gait remarkably ungraceful, from a weakneſs in his knees that prevented his walking without aſſiſtance; he was tolerably temperate in his diet, but drank of little elſe than rich and ſtrong wines.

Character.

His character, from the variety of groteſque qualities that compoſe it, is not eaſily to be delineated: The virtues he poſſeſſed were ſo loaded with a greater proportion of their neighbouring vices, that they exhibit no lights to ſet off the dark ſhades; his principles of generoſity were tainted by ſuch a childiſh profuſion that they left him without means of paying his juſt obligations, and ſubjected him to the neceſſity of attempting

Ann. 1625. irregular, illegal, and unjuſt methods of acquiring money. His friendſhip *, not to give it the name of vice, was directed by ſo puerile a fancy, and ſo abſurd a caprice, that the objects of it were ever contemptible, and its conſequence attended with ſuch an unmerited profuſion of favours, that it was perhaps the moſt exceptionable quality of any he poſſeſſed. His diſtinctions were formed on principles of ſelfiſhneſs; he valued no perſon for any endowments that could not be made ſubſervient to his pleaſures or his intereſt, and thus he rarely advanced a man of real worth to preferment †. His familiar converſation, both in writing and in ſpeaking, was ſtuffed with vulgar and indecent phraſes. Though proud and arrogant in his temper, and full of the importance of his ſtation, he deſcended to buffoonery, and ſuffered his favourites to addreſs him in the moſt diſreſpectful terms of groſs familiarity ‡. Himſelf affected a ſententious wit, but roſe no higher in theſe attempts than to quaint, and often ſtale, conceits. His education had been a more learned one than is commonly beſtowed on princes; this, from the conceit it gave him, turned out a very diſadvantageous circumſtance, by contracting his opinions to his own narrow views. His pretences to a conſummate knowledge in divinity, politics, and the art of governing, expoſe him to a high degree of ridicule; his conduct ſhewing him more than commonly deficient in all theſe points. His romantic idea of the natural rights of princes cauſed him publicly to avow pretenſions that impreſſed into the minds of the people an incurable jealouſy; this, with an affectation of a profound ſkill in the art of diſſembling, or of king-craft, as he termed it, rendered him the object of fear and diſtruſt; when at the ſame time he was himſelf the only dupe to an impertinent uſeleſs hypocriſy. If the laws and conſtitution of England received no prejudice from his government, it was owing to his want of ability to effect a change ſuitable to the purpoſe of an arbitrary ſway. Stained with theſe vices, and ſullied with theſe weakneſſes, if he is ever exempt from our hatred, the exemption muſt ariſe from motives of contempt!

* All his letters to his favourite Villiers are wrote in a ſtyle fulſomly familiar, many of them indecent, with very unuſual expreſſions of love and fondneſs.

† His want of gratitude to the memory of his preceptor Buchanan, who had taken great pains to form his tender mind to virtue, and to teach him true policy and magnanimity, is one inſtance of his diſregard to worth.

‡ The following familiar epiſtle is from Buckingham to king James:

" Were it not that you might think me an incroacher upon your goodneſs, I ſhould make a propoſition for you to ſtay ten days at Theobalds, by which doing you might have the company of your ſweet ſon, without whom we ſhould neither play at cards, goſſe, nor ſit up for does at Huntingdon; whereas, if you ſtay at Theobalds but theſe ten days, you might have to wait on you not only a ſound ſon, but a ſervant within and without as clean as a ſhilling. But if theſe reaſons were not, I pray your ſowſhip how can you ſpend theſe ten days better in any other place." *MSS. in Britiſh Muſeum*, fol. 6987, n. 106.

The reader is referred to Letters publiſhed by Sir David Dalrymple, 1762, p. 26. for another of the ſame ſort, but much more groſly familiar.

Ann. 1625.

DESPICABLE as he appears through the whole period of his Britannic government, his behaviour when king

Ann. 1625. of Scotland was in many points unexceptionable; but, intoxicated with the power he received over a people whoſe privileges were but feebly eſtabliſhed, and who had been long ſubjected to civil and eccleſiaſtical tyranny, he at once flung off that moderation that hid his deformities from the common eye.

It is alleged that the corruption he met with in the court of England, and the time-ſerving genius of the Engliſh noblemen, were the great means that debauched him from his circumſpect conduct. Among the forwardeſt of this worthleſs tribe was Cecil, afterwards earl of Saliſbury *, who told him on his coming to the

Weldon.

* In a ſpeech that James made to the parliament in the year 1620, he excuſes himſelf for his former conduct in that aſſembly, and ſays, that he was led by the counſellors of the late queen.

Ruſhworth, vol. I. p. 160, & ſeq.

The ſervile tools that James had raiſed to the higheſt preferments in the ſtate beſtowed the ſame tribute of abſurd flattery to his memory that they had fed him with during his life. The following is a character drawn of him by Williams, in a ſermon that he preached at his funeral:

"I dare preſume to ſay, you never read in your lives of two kings more fully paralelled amongſt themſelves, and better diſtinguiſhed from all other kings, than king James and king Solomon. King Solomon is ſaid to be *unigenitus coram matre ſua*, the only ſon of his mother, ſo was king James; Solomon was of a complection white and ruddy, ſo was king James; Solomon was an infant-king, *puer parvulus*, a little child, ſo was king James a king at the age of thirteen months; Solomon began his reign in the life of his predeceſſor, ſo, by the force and compulſion of that ſtate, did our late ſovereign king James; Solomon was twice crowned and anointed a king, ſo was king James; Solomon's minority was rough, through the quarrels of the former ſovereign, ſo was that of king James; Solomon was learned above all the princes of the Eaſt, ſo was king James above all the princes in the univerſal world; Solomon was a writer in proſe and verſe,

crown, "That he ſhould find his Engliſh ſubjects like Ann. 1625. aſſes, on whom he might lay any burden, and ſhould need neither bit nor bridle but their aſſes' ears."

verſe, ſo, in a very pure and exquiſite manner, was our ſweet ſovereign king James; Solomon was the greateſt patron we ever read of to church and church-men, and yet no greater (let the houſe of Aaron now confeſs) than king James; Solomon was honoured with ambaſſadors from all the kings of the earth, and ſo you know was king James; Solomon was a main improver of his home-commodities, as you may ſee in his trading with Hiram, and God knows it was the daily ſtudy of king James; Solomon was a great maintainer of ſhipping and navigation, a moſt proper attribute to king James; Solomon beautified very much his capital city with buildings and water-works, ſo did king James; laſtly, before any hoſtile act we read of in hiſtory, king Solomon died in peace, when he had lived about ſixty years, and ſo you know did king James; and as for his words and eloquence you know it well enough,—it was rare and excellent in the higheſt degree—Solomon, ſpeaking of his own faculty in this kind, divides it into two ſeveral heads, a ready invention, and an eaſy diſcharge and expreſſion of the ſame,—God hath granted me to ſpeak as I would, and to conceive as it is meet for the things ſpoken of,—and this was eminent in our late ſovereign: His invention was as quick as his firſt thoughts, and his words as ready as his invention; he would firſt wind up the whole ſubſtance of his diſcourſe into one ſolid and maſſy conception, and then ſpread it and dilate it to what compaſs he pleaſed, "*Profluenti & quæ principem deceret eloquentia*," (as Tacitus ſaid of Auguſtus) in a flowing and a princely kind of elocution; thoſe ſpeeches of his in the parliament, ſtar-chamber, council-table, and other public audiences of the ſtate (of which, as of Tully's orations, "*Ea ſemper optima quæ maxima*," the longeſt ſtill was held the beſt) do prove him to be the moſt powerful ſpeaker that ever ſwayed the ſceptre of this kingdom; in his ſtyle you may obſerve the Eccleſiaſtes, in his figures the Canticles, in his ſentences the Proverbs, and in his whole diſcourſe *reliquum verborum Solomonis*, all the reſt that was admirable in the eloquence of Solomon; how powerfully did he charge the prince with the care of religion and juſtice, the two pillars (as he termed them) of his future throne? how

did

Ann. 1625.

CHAP. IX.

State of the civil and eccleſiaſtical government of England at the acceſſion of the Stewart family.——Cauſes of the change of government that took place during the adminiſtration of the Stewart family.——State of the finances.——State of trade during the reign of King James.

TO enable the reader to form juſt notions on the intereſting tranſactions that brighten the following period of the Engliſh ſtory, it may not be improper to enter into a detail of the ſtate of the kingdom in regard to government at the acceſſion of the Scottiſh line. It muſt be owned, that it was in many reſpects very arbitrary, and that the liberties of the ſubject were neither accurately defined, nor apparently defended. The eccleſiaſtical faction that broke out in this kingdom during the adminiſtration of the Tudors had enabled that family to make pernicious encroachments on the legal rights of the ſubjects, ſtipulated by Magna Charta; time had given ſtrength to theſe uſurpations, and oppo-

did he recommend unto his love the nobility, the clergy, and the commonalty in general? how did he thruſt, as it were, into his inward boſom, his biſhops, his judges, his near ſervants, and * diſciple of his whom he ſo loved in particular? and concluded with that heavenly advice to his ſon concerning that great act of his future marriage, to marry like himſelf, and marry where he would; but if he did marry the daughter of that king, he ſhould marry her perſon, but not her religion."

* Duke of Buckingham.

ſition

ſition in the people to the will of the ſovereign was unauthorized by examples of modern date. The univerſal ſimplicity of manners that ſubſiſted during the early periods of the Engliſh hiſtory, and continued till the latter end of the ſixteenth century, rendered the wiles of power leſs intricate; but at the ſame time it occaſioned in the people an aptneſs to put a dangerous confidence in their princes: Thus, when the violence of Henry VIII. had wreſted the eccleſiaſtical juriſdiction over this country from the Roman pontiff, the people readily ſubmitted to the crown of England's being veſted with that large addition of prerogative; and regal authority attained without difficulty the ſupreme power in all affairs relative to the government of the church, and the conſcience of the ſubject. Ann. 1625.

THOUGH the Engliſh people had long groaned under the oppreſſive tyranny of the ſee of Rome, yet this in latter years had become more moderate in its effects: Many ſtatutes had been made to defend the people againſt the inordinate claims of this ſpiritual prince; and by theſe ſtatutes individuals were in a great meaſure protected both in their perſons and property: But when the ſame pretenſions were united to the coercive power of civil magiſtracy, it appeared with all its former terrors, and became in reality the comprehenſive engine of regal deſpotiſm. This diſadvantageous change could not but be ſeverely felt in the moſt early periods of its eſtabliſhment, though the reſentment had been ſuppreſſed by the zeal which at that time prevailed for reforming the doctrine of the church, and for emancipating the nation from foreign juriſdiction. This zeal

Ann. 1625. was not ſubſided when the reformers met with a ſevere check by the ſucceſſion of Mary, that bigoted papiſt, who reſtored to the pope his authority, and reinſtated the catholics in the adminiſtration. The ſeverities the proteſtants ſuffered under this government eraſed from their minds every impreſſion of evil leſs dreadful than that of a general and mercileſs perſecution. Thus, when Elizabeth, who profeſſed their principles and faith, poſſeſſed the regal dignity, they unanimouſly agreed to arm her with full powers to ſuppreſs oppoſition, and the high-commiſſion court was re-erected in the very beginning of her reign. This was the ſupreme eccleſiaſtical tribunal, and was immediately under the direction of the crown.

Hume. A conformity of religion was exacted through the whole kingdom, and every refuſal of the ceremonies then eſtabliſhed was liable to be chaſtized by this court with deprivation, fines, confiſcation, and impriſonment. Any word or writing that tended towards ſchiſm or ſedition was puniſhable by the high-commiſſioners, or any three of them; they were the judges what expreſſions had that tendency. Theſe inquiſitors were not limited to proceed by legal information; rumour, ſuſpicion, were ſufficient grounds. To the party cited before them they adminiſtred an oath, by which they were bound to anſwer any queſtion that ſhould be propounded to them; this oath could not be evaded by any pretext, and a refuſal incurred the puniſhment of impriſonment. The power of the ſtar-chamber, in civil matters, was as arbitrary as that of the high-commiſſion court in eccleſiaſtical: Its authority was carried to this height by Henry VII. the firſt of the Tudor line. Nor was arbitrary judicature the only enſign of deſpotiſm that was attached to

to the monarchy of England: The diſpenſing power, the Ann. 1625.
power of impriſonment, of exacting forced loans and benevolence, of preſſing and quartering ſoldiers, of erecting monopolies, had been all exerciſed in their turns by the ſeveral ſovereigns that preceded the acceſſion of the Stewart family *. No wonder, therefore, that James united his darling idea of government to circumſtances that appeared ſo entirely conformable to it. This appearance proved a deceitful one. Parliaments, viz. A right in the people of aſſembling by repreſentatives, to aſſiſt at the making of new laws, the aboliſhing old ones, or to give an aſſent or negative to extraordinary levies of money, a precious privilege, which the people had yet preſerved from the ruins of the Gothic conſtitution, had in it many latent reſources to preſerve liberty which had given way, though not entirely yielded, to the encroachments of ſucceſsful tyranny.

WHEN James took poſſeſſion of the reins of government, the opportunity to exert its rights with redoubled

* So extenſive was the authority of the monarchy at the acceſſion of James, that Elizabeth had appointed commiſſioners for the inſpection of priſons, with full diſcretionary powers to adjuſt all differences between priſoners and their creditors, to compound debts, and give liberty to ſuch debtors as they found honeſt, and incapable of making full payment. This commiſſion James renewed in the fifteenth year of his reign. *Hume.*

We find alſo another extraordinary act of power exerciſed by this king: On the erecting a new wall at his palace at Theobalds, a commiſſion was given to a certain number of domeſtics to preſs into his ſervice as many workmen as ſhould be ſufficient to complete the work in a ſhort time, and to ſeize by force bricks, carts, tools, and every neceſſary material. *Rymer's Fœdera.*

Ann. 1625. vigour was approaching; thoſe circumſtances that proved favourable to the criminal ambition of the Tudors were either feeble, or no longer exiſted; the apprehenſion of ſuffering religious perſecution was converted into the dread of ſinking into civil ſlavery: The proteſtants beheld with the utmoſt regret themſelves and poſterity ſubject to a power which they had raiſed for the purpoſe of cruſhing their enemies; the lights which men had obtained from a diſquiſition into theological tenets, and the doctrine of eccleſiaſtical ſubjection, had enabled them to judge more rationally of the nature and end of civil ſubordination. [Paſſive obedience to princes, that notion which, through the darker ages of the world, had been efficaciouſly inculcated into the minds of the ſubject, began to be treated with a ſcepticiſm that produced an entire revolution in the opinions of the intelligent.] Elizabeth ſaw and felt this change; had life and empire continued, ſhe would undoubtedly have ſuſtained the mortification of beholding an entire alteration in the conduct of the Commons, who had hitherto ſervilely complied with her imperious will. [The ſhort-ſighted James was unable to account for the inconſiſtence he found between the theoretical and practical government of England; whilſt the ſervility of the nobles confirmed him in the idea that he was in actual poſſeſſion of a deſpotic power, the determined oppoſition of the Commons prevented him from bringing that idea to reality.] a ſmall degree of accuracy would have reconciled the ſeeming contradiction. Even in that early period it might have been diſcerned that noble principles had taken deep root in the minds of the Engliſh people, that the progreſs of more enlightened reaſon would

would bring theſe to perfection, and the harveſt of ſuch Ann. 1625.
fruit muſt infallibly produce an important change in the manner and conſtitution of the government.

THE revolution in the Low Countries did not a little contribute to haſten ſuch a diſpoſition: The hearts of the Engliſh were fired with ſympathetic virtue, at the example of that brave and reſolute people, happily emerged from a ſtate of ſervitude to a ſtate of flouriſhing freedom. The revival of letters co-operated with theſe cauſes to effect an alteration in the modes of thinking of the Engliſh nation. Thoſe models of human glory, the hiſtories of Greece and Rome, excited all to admire, the virtuous to a deſire of imitation; and, whilſt the compoſition of the antients delighted the taſte, their ſcience and precepts enlarged the mind, corrected the judgment, and improved the heart; whilſt the theory of ancient politics became the ſtudy of the judicious learned, the recent ſucceſs of the Dutch ſtimulated them with deſire, and even diſtant hopes of putting that theory into practice. It muſt be acknowledged that theſe exalted ſchemes were not univerſally adopted; they were entirely confined to the men of letters, and of theſe to the moſt virtuous kind: But the ſimplicity of manners that preceded this age, and that eager appetite for learning which accompanied its revival, occaſioned their number to be extenſive, when compared to the productions of modern times. It cannot be imagined that that ſtiff oppoſition which appeared in all the parliaments throughout this reign was directed by leaders that would have been ſatisfied with a temporary redreſs of grievances, or rather that would not have made

Ann. 1625. uſe of all the advantages that offered to have enlarged to the utmoſt the ſyſtem of liberty. The completion of this was left to the more ſucceſsful heroes of the following period, notwithſtanding it had made a greater progreſs in this reign than was apparent; and the weak and abſurd adminiſtration and conduct of the Stewart family ripened the execution of ſchemes which might more ſucceſsfully have taken place, when time, with literature, had entirely diſpelled that cloud of groſs ſuperſtition which had long involved the European world. The continual complaints which the Commons in parliament preferred to James on the enormities that proceeded from the arbitrary ſyſtem of judicature that ſubſiſted at his acceſſion, in ſome meaſure checked that tyrannical uſe of it which had been practiſed by Elizabeth. It has been mentioned by an ingenious hiſtorian, with an intention to do credit to this monarch, that the puniſhments inflicted by the high-commiſſioners during his reign were infinitely leſs in number, and thoſe more mild, than they had been under the adminiſtration of Elizabeth. Deprivations, fines, confiſcation, and impriſonment, were judgments that then continually iſſued from this court: Deprivation was the higheſt puniſhment inflicted in the time of her ſucceſſor.

A LONG ſuſpenſion from warlike exerciſes, though baneful to a luxurious ſtate, was, to the people of England, an advantageous circumſtance. A foreign war might have diverted them from an attention to domeſtic evils; and their manners were not at this time ſo effeminate as to endanger an attachment to an inglorious inactivity; idleneſs, ſervility, and their concomitant vices,

vices, were, in theſe happy days, only to be found among the ſervants and followers of the court. Candour, valour, integrity, a ſpirit of independence, and every other maſculine virtue, were poſſeſſed in a high degree by the Commons of England, viz. of the male ſex; whilſt chaſtity, modeſty, and induſtry, were the general characteriſtics of the females. Peace alſo was favourable to commerce; it is acknowledged by all hiſtorians that trade increaſed much in this reign. The vigorous meaſures of the parliament heightened this circumſtance by freeing it from ſeveral monopolies, an impoſition with which it had been much fettered by Elizabeth. Ann. 1625.

IT was in James's reign that Engliſh colonies began to flouriſh in America. A board of trade was erected by this king to examine the efficacy of expedients that were propoſed for the advantage of commerce. Agriculture, which was formerly imperfect in England, a moſt uſeful employment, rendered illuſtrious by the virtue of its followers *, received great improvement in this time, and the nation began to be more independant on foreign produce for their daily ſuſtenance. Hume.

JAMES's yearly revenue was 450,000 l.; the ſubſidies that were granted him by the Commons and the clergy, money paid him by the States and the king of France †, with the ſums he raiſed by extraordinary and Abſtract, or brief declaration of the ſtate of his majeſty's revenue, with

* The practice of huſbandry, even to manual labour, was exerciſed by every rank of the Roman people, in the virtuous times of that illuſtrious republic.

† The ſum of 60,000 l. due from Henry IV. to Elizabeth.

Ann. 1625. the assignations and defalcations upon the same. Lond. 1692.

illegal methods, amounted in the whole to 2,193,374l.; which, divided into twenty-two equal portions, and added to his ordinary revenue, make an annual income of nearly 550,000 l. *, a trifling sum when compared to the modern expences of government †: But the inhabitants of this island were then free from the incumbrance, danger, and charge of a standing army. The only burthen which the subjects bore was the supplying the luxury, parade, and prodigality of the court; and this was obtained from them by methods fraudulent and violent, disallowed by the legal forms of the constitution. They were defended from the evil of being oppressively taxed, under the pretence of public utility, by the indefatigable diligence and sturdy opposition of their representatives in parliament, the guardians of the common weal.

* To this account of the revenue must be added tonnage and poundage: The sum that this tax brought in has never yet been calculated; the encrease of trade, and the exorbitant impositions that were laid on merchandize in this reign, made it very considerable.

† The difference of the valuation of money may be thought an objection to the comparison; but, according to Mr. Hume's account of the prices that several of the necessaries of life bore in these days, the difference is not so very great as has been generally imagined.

THE

THE HISTORY OF ENGLAND.

CHARLES I.

CHAP. I.

Accession of Charles.——His marriage.——A parliament at Westminster.——Second sessions of parliament at Oxford.——Naval expedition against Spain.——Third sessions of parliament.——Impeachment of Buckingham.——Dissolution of the parliament.

NO sooner had death closed the scene of empire to James, than his son Charles, invested with the reins of government, began his career with an impetuosity that left unregarded the forms of filial piety, or that decent shew of sorrow commonly practised on the joyful occasion of succession. The three points of, settling the household, calling a parliament, sending dispatches to hasten the marriage, were determined the very day after the late king's decease. In a consultation on

Ann. 1625.

Hacket's Life of Williams, 8vo. p. 108, & seq.

Ann. 1625. on theſe ſubjects, Williams, the lord-keeper, began to feel the ſtorm that had long lowered on his patron's brow: His officious advice was diſregarded, and a ſmall requeſt he made of a promotion for two of his domeſtics unanſwered.

CHARLES was ſo forward to meet a parliament, that he propoſed to wave the form of calling a new one, and to continue the laſt. Williams ſhewed that this was contrary to order, and that the parliament was diſſolved with the death of the king. On being directed to diſpatch writs from the Chancery, and not to loſe a day, he ſet forth the conveniency of giving time for the king's ſervants and creatures to procure a promiſe for their elections before the preciſe time of a following parliament was publiſhed. This interfering was treated with diſapprobation; and Williams, on his return home, had the mortification of hearing that Buckingham had threatened to turn him out of his office. This would immediately have enſued, if the favourite's preſent hurry of affairs had permitted him to attend to ſuch a trifling circumſtance. His power and influence were, if poſſible, more extenſive than they had been during the late reign: The charge of the war with Spain, the king's marriage, and the ſole direction of the adminiſtration, was centered in himſelf; and his levity and vanity excited him to bring the queen from France, who was eſpouſed * there in the king's name by the duke de Chevreuſe †. On this occaſion Charles gave a ſpecimen

May 1.

* This eſpouſal was made before James's obſequies were performed.

† The duke de Chevreuſe was of the houſe of Guiſe, and of kin to Charles.

of

of his intended government by iſſuing out a pardon to twenty Romiſh prieſts, who had been convicted on acts of parliament. This was followed by an order to the lord-keeper, in conſequence of advice from Buckingham, to give warrants to judges, juſtices, and officers ſpiritual and temporal, to forbear all manner of proceedings againſt recuſants. His next act of regal authority was to raiſe twelve thouſand men * for the recovery of the Palatinate, at the expence of coat and conduct-money to the country, which was to be repaid by the Exchequer in four years. The legality of this meaſure, and a proclamation to put the martial law in execution during the repair of theſe troops to Plymouth, was not eaſily acceded to by the judges, among whom it had occaſioned long debates.

Ann. 1625.

THE parliament, which had been ſummoned for the ſeventh of May, was prorogued till the eighteenth of June, on account of the arrival of the queen from France, whoſe nuptials had been there celebrated with the higheſt degree of royal parade. She was received by Charles with equal pomp, though part of the ceremonies was by neceſſity curtailed, on account of a plague which raged with great violence in the city of London, and its neighbourhood.

CHARLES repreſented to the parliament the neceſſity he thought they lay under to grant a large ſupply for carrying on the war in Germany †. This was farther

Parliament. Ruſhworth, vol. i. p. 171, & ſeq.

* Two thouſand of theſe were ſent into Holland, to be replaced by the ſame number of old ſoldiers from thence.

† In the ſpeech that Charles made on this occaſion he tells the

Ann. 1625. urged by the lord-keeper Williams, who, taking up the ſpeech where the king had ended, ſhewed that the king's main reaſon for calling the parliament was to mind them of the great engagements for the recovery of the Palatinate impoſed on his majeſty by the late king his father, and by themſelves, who broke off the treaties with Spain; to let them underſtand that the ſucceeding treaties and alliances, the armies ſent into the Low Countries, the repairing the forts, and the fortifying of Ireland, did all meet in one centre, the Palatinate; and that the ſubſidies granted in the laſt parliament for theſe purpoſes were already ſpent, with as much more of the king's own revenue. Though the Commons harped upon grievances not redreſſed, and demanded an account of the laſt money granted for the recovery of the Palatinate, yet the danger of keeping long together, by reaſon of the raging plague *, and an unwillingneſs to give a total denial to the requeſt of their young king, determined them to grant two ſubſidies. They then petitioned a receſs from parliament, on account of the ſicklineſs of the ſeaſon. On this conſideration they were adjourned, to meet on the firſt of Auguſt at Oxford †.

Commons, "That he was brought up at the feet of Gamaliel; and therefore there was no doubt but he would be a keeper and maintainer of the true religion."

* This plague carried off more inhabitants than that which happened in the year 1603, at the acceſſion of James.

† According to the cuſtom of ſeveral late parliaments, the firſt buſineſs which had been done in the houſe was to appoint a ſolemn faſt among themſelves.

In

It is evident from the ſmallneſs of their ſupply at a Ann. 1625. period ſo peculiarly intereſting, that they had already entertained a ſtrong jealouſy of the preſent government, or rather that they perceived the ſame errors, vices, and follies, rooted in Charles, that had given riſe to the numerous grievances of the laſt reign; and with this diſadvantageous difference, that the vigour of youth might render the bad qualities of the ſon more perniciouſly active than were the like vices in the heavy and paſſive diſpoſition of the father. No change had appeared in the adminiſtration ſince the death of James: Charles had the ſame favourite, the ſame council, the ſame miniſters, and all the offices of the kingdom continued in the hands of Buckingham's creatures, whoſe favour with the late monarch had been little in compariſon to what he enjoyed with the preſent. Charles, at his acceſſion to the crown, found his coffers empty, a large debt upon his revenue, with the additional burthen of an expenſive war. Notwithſtanding theſe diſadvantageous circumſtances, he entertained the project of entirely ſubduing that ſpirit of liberty which had already formed a ſtrong party in the nation, and of ſettling on firm foundations a more unlimited authority than had been practiſed by any of his predeceſſors. Money was neceſſary for ſuch an undertaking: This he fondly imagined could be eaſily obtained from the Commons, by the pretence of ſo popular a cauſe as the Palatinate-war. But he had to deal with an aſſembly compoſed of individuals, aptly culled for the important charge of defending the ſacred rights of humanity. It was with aſtoniſhment and indignation that they heard their king call upon them for the performance of engagements,

Ann. 1625. the conditions of which had been notoriouſly violated by himſelf and father. It was well underſtood, that the Commons of England had no national antipathy to Spain; tyranny, and its ſupporter popery, were the objects they engaged themſelves to oppoſe; for this, and this only reaſon, they had joined with the favourite in breaking the connections with that court. They now found that the zeal of Charles and Buckingham ſprung from a particular pique towards Spain; that they had contracted an alliance with a court equally noxious, and from which more was to be apprehended by reaſon of its vicinity; that the public appearance of prieſts in their veſtments, and the diſpenſation of penal laws againſt recuſants, realized the evils only apprehended from the Spaniſh match *. Nor was it without a diſdainful reſentment that this very reſpectable part of the legiſlature found their underſtandings inſulted by a raw unexperienced king, and a contemptible miniſter. The mean colluſion practiſed by the crown laſt parliament, to obtain an extraordinary ſupply, and the bad management of its firſt military attempt, convinced the Commons that the miniſtry were not to be truſted with ſo important a buſineſs as war; and the ſpeech of the lord-keeper, which repreſented that not only the ſubſidies were already ſpent, but the revenue in debt, did not a little contribute to confirm them in this opinion.

AT the very time when Charles was pleading neceſſity

* A chapel at Somerſet-houſe had been built for the queen and her family, with conveniences thereunto adjoining for capuchin-friars, who were therein placed, and had permiſſion to walk abroad in their religious habits. *Ruſhworth*, vol. I. p. 171.

ſity to the Commons in parliament, he was launching Ann. 1625.
out into profuſe and vain expences: His ambaſſadors, Carliſle and Holland, were maintained at a great charge, to vie with the gaudy magnificence of the French; and the parade with which the queen was conducted home by Buckingham, ſuited rather the circumſtances of an Eaſtern monarch, than the more decent dignity of a limited prince.

THE moderation the Commons ſhewed this ſeſſions of parliament, in circumſtances thus provoking and intereſting, is one of the remarkable inſtances of that policy, temper, and ſagacity, with which the councils of this aſſembly were directed. But before their re-meeting at Oxford an incident had happened which would have rendered this moderation a puſillanimous and baſe deſertion of the particular intereſt of their country, and the more general cauſe of liberty and religion. The French miniſtry had cajoled James into a promiſe to furniſh Lewis with one ſhip of war and ſeven armed merchant-ſhips, to be employed againſt the Genoeſe. Buckingham, who was at this time warmly attached to the court of France, prevailed on Charles to lend theſe ſhips to be uſed at the ſiege of Rochelle, where they were to be filled with French ſoldiers and mariners, to be commanded by the duke de Montmorency. No ſooner was this intention known than the whole crew mutinied. Vice-admiral Pennington, who had received particular orders from the favourite, would not apprehend them in this ſenſe; notwithſtanding repeated menaces and promiſes from the French, he refuſed to deliver up the ſhips, and ſailed back again to the Downs.

Ruſhworth, vol. I. p. 174, & ſeq. Whitlock, fol. ed. 1682, p. 2.

The

Ann. 1625. The Rochellers were alarmed, and ſent over agents to ſolicit their detention; but Charles, taking the whole affair upon himſelf, ſent expreſs orders to Pennington to deliver up his own ſhip, and all the merchant-ſhips, with their furniture, to the French king's miniſters. Authority alone was not ſufficient to engage the commanders in an action ſo repugnant to conſcience and honour; Buckingham had recourſe to art and deceit: A rumour was ſpread that peace had been concluded between the French king and his proteſtant ſubjects. On the diſcovery of the fraud, the captains of the merchant-ſhips maintained that the king had no right to diſpoſe of their property, and prepared to ſail away; but Pennington, who could no longer plead a miſunderſtanding of his orders, fired to bring them to *. The brave Sir Ferdinando Gorges broke through, and returned to England. The remaining ſhips were delivered to the French; all the officers and ſailors, notwithſtanding great offers made them, immediately deſerted; not an individual amongſt a crew of that licentious claſs of men, one gunner excepted, was found diſſolute enough to ſerve againſt their diſtreſſed brethren the French hugonots. The miſcreant was afterwards killed in charging a cannon before Rochelle: This juſt and opportune incident, though a frivolous one, gave ſatisfaction to the whole nation. This black tranſaction entirely diſſipated that fond popularity which every monarch obtains from the vulgar in the beginning of his government.

* In a letter from ſecretary Conway he was commanded to uſe all forcible means to compel them, even to ſinking.

On

On the firſt of Auguſt, according to the appointed time of their adjournment, the parliament met at Oxford. The Commons renewed their complaints againſt the illegal ſcreening of recuſants. Sir Edward Giles produced a liſt of ſix prieſts, for whom, he ſaid, he had ſeen a pardon, bearing date July the twelfth, the very day after his majeſty had, as well by his own mouth as by the lord-keeper's, vouchſafed to return them ſuch an anſwer to a petition for the ſuppreſſing of popery, as gave them aſſurance for his performance thereof. This complaint, in a conference * between the two houſes, was anſwered by Williams; who affirmed, that he had received the pardon long before its date, but that he had deferred ſealing it, in hopes that on the departure of the ambaſſadors, it might have been ſtopped; but that he having received a ſecond command, ſealed it at the next general ſeal. Williams likewiſe added, "That he wiſhed a petition might be preſented to the king to ſtay the like pardons hereafter." Charles, ſeeing that the Commons were engaged on the inexhauſtible topic of grievances, without ſhewing any inclination to enter into the only buſineſs for which they had been ſummoned, ſent for them to the great hall at Chriſt-church, where he again inſiſted on their engagements to give their utmoſt aſſiſtance towards the carrying on the war with vigour. Lord Conway and Sir John Cook, the two ſecretaries, enlarged upon this ſub- Ann. 1625. Parliament at Oxford.

* On this conference the Commons ordered, "That, as the ſpeaker and the whole houſe went up, if the Lords kept bare, to do the ſame; if they covered, then the ſpeaker and the reſt to do the ſame." *Parliam. Hiſt.* vol. VI. p. 373.

ject;

Ann. 1625. ject; withal acquainting the houſes of the paſt and preſent ſtate of continental affairs, with the money the crown had already expended on the war; that the charges of an army had appeared in parliament to be 700,000 l. a-year; beſides Ireland was to be fortified; the forts here repaired, and the navy reinſtated. Then the lord-treaſurer * added, that the late king, when he died, was indebted to the city of London 120,000 l. beſides intereſt; for Denmark and the Palatinate 150,000 l. for his wardrobe 40,000 l.; that theſe debts lay upon his preſent majeſty, who is indebted unto London 70,000 l. that he hath laid out for his navy, and for count Mansfeldt 40,000 l. for mourning and funeral expences 42,000 l. for expences concerning the queen 40,000 l. and the navy would require to ſet it forth in the equipage that was requiſite for the great deſign his majeſty had in hand 300,000 l. When the houſe proceeded to take into conſideration the king's ſpeech, and the ſubſequent accounts, the officers and creatures of the crown alone moved for a ſupply; the reſt of the aſſembly fell into high debates. Sir S. Weſton moved to enquire into the cauſe of the ſupply deſired, and the enemy againſt whom the preparations were deſtined; that the eſtates of the papiſts who contributed to the enemy might be ſpecially reſpected to ſupply the king. Sir Francis Seymour moved for a ſelect committee to draw a petition to the king, comprehending the heads of thoſe things which the houſe ſhould think proper to inform him in. Sir Edward Coke urged, that the neceſſi-

Journals of Commons, vol. I. p. 810. & ſeq.

* This was lord Ley, ſome time before lord chief juſtice of the King's Bench.

ties of the crown came by improvidence; that there Ann. 1625.
was a leak in the government, of which leak ſuch as theſe were the cauſes: Frauds in the cuſtoms, treaty about the Spaniſh match, new-invented offices with large fees, old unprofitable offices which the king might juſtly take away with the love of his people and his own honour, the preſidentſhip of York and Wales, multiplicity of offices in one man, new tables kept in the king's houſhold, made the leakage the greater, voluntary annuities and penſions, which ought to be ſtopt till the king was out of debt, and able to pay; laſtly, that all unneceſſary charges, coſtly diet, apparel, building, &c. increaſed the leakage; that underſtanding officers ſhould be employed in the king's houſe to reduce it to its ancient form; that the great offices for the defence of the kingdom ſhould be put into the hands of able men, that have experience, ſuch as admiralty-places, and others.

Sir Nathaniel Rich ſaid, "That they ought not to refuſe to give; but before they gave to repreſent their wants to the king: Firſt, for religion, to have his majeſty's anſwer in full parliament, and then enrolled: next, to know the enemy againſt whom war was to be made; the neceſſity of an adviſed council for governing of the great affairs of the kingdom; the neceſſity of looking into the king's revenue; to have his majeſty's anſwer concerning impoſitions on wines: And though the time was not now fit for the deciſion of all theſe points, yet a ſelect committee to be appointed to ſet down the heads of them, and then to have the king's anſwer to them in parliament. The doing of this,

Parliam. Hiſt. vol. VI. p. 365, & ſeq.

Ann 1625. added he, is no capitulation with his majeſty, but an ordinary parliamentary courſe, as in 22 Ed. III. and without it the commonwealth can neither ſupply the king, nor ſubſiſt."

In this debate Sir Robert Cotton made a long ſpeech, in which he quoted the examples of paſt times to ſhew that want of œconomy in the crown had ever met with a ſevere cenſure from the parliament, and that thoſe miniſters who had helped to waſte the public treaſure had never eſcaped with impunity: "I am glad, concluded he, that we have neither juſt cauſe, nor undutiful diſpoſitions, to appoint the king a council to redreſs thoſe errors in parliament, as in the 42 Ed. III. &c. &c. We only in loyal duty offer up our humble deſires, that ſince his majeſty hath, with adviſed judgment, elected wiſe, religious, and worthy ſervants, to attend him in his high employment, he will be pleaſed to adviſe with them together a way of remedy for thoſe diſaſters in ſtate brought on by long ſecurity and happy peace, and not to be led by young and ſingle counſel."

Sir George More preſſed for a committee; alleged that they were all bound in duty not to graft ſubſidy upon ſubſidy in one parliament. Sir George Goring moved that the duke of Buckingham might be of the committee to give ſatisfaction on any aſperſions that might be caſt upon him. Others argued againſt granting any ſupply before grievances were redreſſed; that the ordinary revenue ought to defray the ordinary expence of the crown; that the king ought to contribute to help the Palatinate's cauſe with his own eſtate; that

Ruſhworth, vol. I. p. 180.

that the time of year was too far ſpent for the fleet to go out to ſervice; that enquiry ought to be made whether the duke broke not the match with Spain out of ſpleen and malice to the conde Olivares, whether he made not the match with France upon harder terms, and whether the ſhips employed againſt Rochelle were not maintained with the ſubſidies given for the Palatinate *? that an enquiry be made to know by what counſels the preſent deſigns are begun, where the fleet is to go? and Sir Robert Manſel † to give his opinion of the intended expedition. Many reflections paſt upon the miſcarriages of the duke in his ſeveral offices ‡. The reſolutions of the houſe were, that religion ſhould have the firſt place in their debates, next the kingdom's ſafety, and then ſupplies. In conſequence of this reſolution, a long petition was ſent up, ſetting forth the dangerous ſtate of religion, and the remedies for the increaſing evil. Charles gave a gracious anſwer to every clauſe of the petition, with large promiſes that all the grievances complained of ſhould be redreſſed; and Buckingham, who imagined that the heat of oppoſition would be allayed by this condeſcenſion, made a long and florid ſpeech, in which he repreſented the preſent ſtate of the war, and anſwered the ſeveral objections which had Ann. 1625.

* Some of theſe ſevere hints are only to be found in Ruſhworth; but there is no doubt of their having been flung out in parliament, as they are all noticed in the duke of Buckingham's long ſpeech.

† Sir Robert Manſel was a ſea-commander of reputation, and had been employed with ſucceſs in the naval expeditions in James's time.

‡ It was complained that pirates infeſted the ſeas, and that the protection of commerce was neglected.

Ann. 1625. Parliam. Hiſt. vol. VI. p. 394, & ſeq.

been flung out by the Commons. The lord-treaſurer * then produced a paper in which he had ſet down the conditions of the king's eſtate; 1. his debts, 2. the eſtate the king now ſtands in, 3. how it will be for the future.

"His debts to the city of London, and ſome gentlemen, borrowed upon privy ſeals and lords bonds, were 120,000 l. to the wardrobe 40,000 l. to the king of Denmark 75,000 l. and the intereſt; arrears for penſions a large ſum; to his houſhold a large ſum.

"The anticipations made by the late king before they were due came to 50,000 l.

"His engagements were for the pay of ſix thouſand foot in the Low Countries; of ten thouſand foot under count Mansfeldt; and for the rigging, victualling, and providing the navy, not the like in the memory of this time.

"Concerning the eſtate of the king, as it now ſtands, his father's debts, anticipations, and engagements laid ill upon him; his own debts, as prince,

* To the objection that the eight ſhips lent to the French king were paid with the ſubſidy-money, and employed againſt the Rochellers, he anſwered, "That thoſe eight ſhips were maintained at the charge of the French king;" and added, "It is not always fit for kings to give account of their councils;—judge the thing by the event."

This anſwer, which owns that both courts were in the ſecret that the ſhips were to ſerve againſt Rochelle, greatly inflamed the reſentment the Commons had conceived againſt the miniſtry.

came

came to 70,000 l. at the leaſt. The king's eſtate, for the future, as in charges of continuance, conſiſted of ten articles: 1. of debts unpaid, and intereſt; 2. old anticipations of 50,000 l.; 3. anticipations of new 200,000 l. taken up by himſelf; 4. to the king of Denmark 30,000 l.; 5. to count Mansfeldt 20,000 l.; 6. to the Dutch 8000 l.; 7. to Ireland 2600 l.; 8. the queen's allowance and diet 37,000 l.; 9. to the king and queen of Bohemia 20,000 l. *per annum*; 10. preparations for defence of the realm, and ſeconding the navy." Ann. 1625.

After reading this account the lord-treaſurer alleged, that certain ſums were omitted becauſe they were not yet calculated; that no total was caſt up, becauſe he had no auditor: He promiſed that himſelf or his ſubordinate officers ſhould be ready to give ſatisfaction to all or any of the particulars. This minute detail demonſtrated to the Commons the folly of a Spaniſh war at this juncture; and, by expoſing the extreme neceſſities of the crown, pointed out the favourable opportunity of limiting the exorbitant power it had aſſumed, by methods conſtitutional and feaſible. They had ſhewn great ſatisfaction at the king's anſwer to their petition on religious grievances; yet, in the eſſential matter of ſupply, they were ſo little ſwayed by empty promiſes, that though Charles condeſcended to aſk two fifteenths, the value of 40,000 l. the Commons peremptorily refuſed to ſet ſo bad a precedent as to give twice in one ſeſſions of parliament. Sir Robert Philips ſaid, that the arguments for giving were honour, neceſſity, and ſafety, not honourable actions grounded upon ſound counſels; that Journals of Commons, vol. I. p. 814, & ſeq.

neceſſity

Ann. 1625. neceſſity had been the continual argument for ſupply in all parliaments. Sir Francis Seymour ſaid, it was ſtrange that the Commons ſhould be called together only for a ſupply of 40,000 l.; it ſhewed the king's neceſſities; that 140,000 l. had been raiſed by places of honour ſold, places of juſtice were ſold, and ſerjeant places ſold. Sir Thomas Wentworth ſaid, he feared the paſſing of this precedent for ſo ſmall a ſum was to take advantage of it for a greater hereafter. Mr. Rolle argued, that if the neceſſity of money was ſo great, now was the time to preſs for a redreſs of grievances. Sir Edward Coke quoted precedents of puniſhment inflicted on evil counſellors; ſaid, it was *malum conſilium* to preſs more ſubſidies, when two had been already given; and added, that he would rather give 1000 l. out of his own eſtate, than to grant any ſubſidy now.

On the day after this debate, the houſe went upon a complaint againſt Sir Francis Stewart, an admiral, for ſuffering a pirate to take an Engliſh ſhip before his face; that to ſome merchants, who had deſired him to go out and chace the pirate, he anſwered, his commiſſion was not to go on the French coaſt, where he conceived the pirate lay; that in concluſion, though he was offered great ſums of money, or half the goods in the ſhip, he ſtill refuſed to go. On this report Sir Francis Seymor ſaid, that the lord-admiral Buckingham had the care of theſe things, therefore the default muſt needs be in him and his agents, and moved for a committee to conſider of the cauſes thereof, and where the default lay. Mr. Liſter mentioned the wrongs done to the Engliſh trade by Dunkirkers; and therefore moved, that the committee

committee to be appointed, might in a general way Ann. 1625.
conſider of this, and the ſafety of all the ſea-ports. This being agreed to, a committee of the whole houſe was appointed to take theſe matters into conſideration, and they to have power to name a ſub-committee.

Charles, underſtanding by theſe arguments and reſolutions, that the houſe was determined againſt a ſupply without an effectual reformation in the government, he with a raſh impetuoſity diſſolved the parliament *, adding thereby to the diſtaſte of the people, who were before ſtrongly diſguſted with his unpopular management. The Commons, who had been made acquainted with the intentions of the court, formed themſelves into a grand committee, and before they would ſuffer the king's meſſenger to be introduced, drew up a proteſta- Echard.

* Acts paſſed this parliament.

1. An act for the puniſhing divers abuſes committed on the Lord's day, commonly called Sunday.
2. An act to enable the king to make leaſes of lands, parcel of the duchy of Cornwall.
3. An act for the eaſe of obtaining licenſes of alienation, and in the pleading of alienations with licence, or of pardons of alienations without licence, in the court of Exchequer, or elſewhere.
4. An act to reſtrain tippling in inns and alehouſes.
5. An act for three entire ſubſidies granted by the ſpirituality.
6. An act for two entire ſubſidies granted by the temporality.
7. An act that this ſeſſions of parliament ſhall not determine by his majeſty's aſſent to this and ſome other acts.
8. An act to confirm an agreement between the king and the copyholders of Macclesfield in Com. Ceſtr. &c.
9. An act for the ſettlement of an agreement of the tenants of Chelvenham and Aſhly, alias Charelton, between the king and Sir Giles Greval, knight. *Vide Statutes at Large*, and *Ruſhworth*.

tion

Ann. 1625. tion of their honeſt alacrity to do their utmoſt endeavour to diſcover and reform the abuſes of the ſtate, and in like ſort to afford all neceſſary ſupply to the juſt occaſions and deſigns of the crown.

A PROSECUTION againſt one Montague, a court chaplain, had been purſued by the Commons this parliament with ſome eagerneſs. The buſineſs appears a trifling one, but it carried with it ſome important conſequences that ſufficiently juſtify the warmth with which it was purſued. Montague had publiſhed a book tending to Arminianiſm; for this he had been rewarded by court-preferment, notwithſtanding the parliament, in the latter end of the laſt reign, had queſtioned his conduct, and afterwards referred it to the archbiſhop of Canterbury, from whom he had received an admonition.

MONTAGUE, who now found himſelf powerfully protected, publiſhed another book, filled with the ſame doctrines, and entitled, "An Appeal to Cæſar." For this contempt of the former cenſure of the houſe he was re-queſtioned, and ordered to give bail of two thouſand pounds for his appearance at the next ſeſſions. Charles interfered, and pleaded an exemption for Montague, as being his chaplain in ordinary, and therefore the houſe had no right to moleſt him. This gave vigour to the fire already kindled, which would have terminated in an impeachment, if the buſineſs had not been diverted by the proſecution of a more glaring and more pernicious offender.

THOUGH the Arminian tenets had in them no natural relation

relation to high-church or monarchical principles *, yet Ann. 1625. being repugnant to neither, the ſame political end, viz. ſcreening themſelves under the protection of party, which had forced them to an union with the republicans of Holland, connected them cloſely to the abettors of arbitrary power in this country; and they became the warmeſt partizans for tyrannical principles in church and ſtate. As ſuch, they were always treated with a juſt animoſity by the adverſe faction, and the pretenſions of Charles to exempt the individuals in his ſervice from the national juriſdiction, turned the particular caſe of Montague to a diſpute of importance. The biſhops had alſo interfered in this cauſe, repreſenting it as an affair that the king alone, by his delegates, had a right to judge of, and that matters of differences in the church ought only to be determined by the king and the biſhops †. The only circumſtance that carries the appearance of an unjuſtifiable exertion in the Commons in

* Theſe propoſitions contain the ſubſtance of the Arminian doctrine:

I. God does not in an arbitrary manner predeſtinate any perſon to be ſaved or damned.

II. Chriſt died for all men, that is, all are partakers of the benefit of Chriſt's paſſion, who ſincerely perform the goſpel terms of faith and repentance.

III. How neceſſary ſoever Grace may be towards our doing good actions, yet it is not irreſiſtible; that is, we are ſtill free agents, conſequently the faithful may finally fall away, or depart from a ſtate of grace.

† The biſhops of London, Durham, Winchester, Rocheſter, and St. David's, in a letter to the duke of Buckingham, recommended Montague's book; and ſaid, that his majeſty would do moſt graciouſly to prohibit all parties from ſpeaking or writing againſt it. *MSS. in Br. Muſeum*, n. 7000.

Ann. 1625. theſe proſecutions, is the tyrannical reſtraint they ſeemed deſirous to lay on literature. But it muſt be conſidered that the freedom of the preſs, neceſſary to the exiſtence of liberty, was a privilege unknown in this age; and whilſt the crown poſſeſſed the power of ſuppreſſing the publication of every argument that claſhed with its pretenſions, the Commons endeavoured to attain the ſame means of circumſcribing the venomous doctrine broached by its creatures and dependants.

BEFORE the diſſolution of the parliament, the plague had already infected the city of Oxford, and there was great murmuring that the court ſhould bring them together in ſo ſickly a ſeaſon, when its avowed deſign was only to extort money from the ſubject. The Commons had expreſſed great ſenſe of their danger at the ſeſſions at Weſtminſter, and it was remarked in the houſe, that the bell was tolling every minute that they were ſpeaking. Strong as were theſe apprehenſions, the patriot members kept their ground, and with exemplary reſolution gave ſo conſtant an attendance that their antagoniſts could never obtain the advantages of an undefended cauſe, or a ſcattered party *.

* The determined reſolution of the Commons not to give any ſupport to the extravagant ſchemes of the king and his miniſter has been repreſented by the enemies of civil liberty as an indefenſible obſtinacy, contrary to rational or conſtitutional principles; yet it will be found, on an impartial examination, conſiſtent with both.

On the abſurd ſuppoſition that this parliament was obliged, though contrary to the apparent good and ſafety of the ſubject, rigidly to perform all the engagements of the laſt: It will be neceſſary to enquire what theſe engagements were, before they can be condemned. We find that the laſt parliament, though inflamed with the apprehenſion of

CHARLES, not having been able to obtain farther ſup- Ann. 1625.
plies from the Commons, had recourſe to the old op-

of a cloſe connection with the moſt powerful and moſt bigoted prince in Europe, and deſirous, on any feaſible terms, of breaking an union pernicious to the religion and liberty of this country, were ſo wary of truſting a weak prodigal prince, and a vain hot-headed miniſter, with the difficult and expenſive enterprize of regaining a then-confirmed conqueſt from the united powers of the ſame potent family; that James was obliged to ſubmit to the extraordinary condeſcenſion of receiving the military ſupplies from a council of war appointed by the parliament. The mean colluſion which fruſtrated the purpoſe of the condition on which theſe ſubſidies were granted, the imprudent manner of conducting the firſt military enterprize, and the fatal cataſtrophe that enſued, muſt have enforced the ſame parliament to drop a hopeleſs ſcheme which they had engaged no farther to ſupport than was conſiſtent with the advantage and honour of the nation; of which they were to be the judges. If theſe reaſons had been powerful enough to have prevented that parliament from giving farther aſſiſtance, how ſtrongly muſt they have operated with this parliament, when united to the preſent aſpect of affairs? The war was now no longer the war of the people; the abſurd conditions on which Charles had contracted an alliance with the Bourbon family had entirely broke the connection of an united cauſe. The Palatinate quarrel, when diſtinguiſhed from that of liberty and religion, was merely private, and confined to the Stewart family. According to the laws of the conſtitution, it could not be ſuppoſed, whatever examples the neceſſity, imbecility, or ignorance, of particular times might have produced, that the people were obliged to tax themſelves with extraordinary levies of money, but for their own ſupport and defence; if they ever did, it was only underſtood as a purchaſe for the redreſs of thoſe grievances to which monarchies of all ſtates are the moſt ſubject; and indeed ſuch a privilege is ſo neceſſary to maintain a limited monarchy in due bounds, that it is the only obſtacle that can prevent it from becoming in practice abſolute: "Give money, ſaid the crown, and in due time you ſhall have redreſs of grievance." Was a repreſentative body of the people ſpecially truſted with the ſacred charge of defending and proſecuting the moſt eſſential rights of the nation, of reforming the errors of government, of redreſſing the injuries of the ſubject, was it

Ann. 1625. preſſive expedient of forcing a loan from the ſubject. Privy ſeals were iſſued out to all perſons of ſubſtance, and the collectors were appointed to return the names of thoſe that diſcovered a diſpoſition to excuſe the payment of the ſums impoſed. To ſoften this general offence, a proclamation was iſſued for recalling all the children of Engliſh parents that were in foreign ſeminaries, and an order publiſhed for diſarming popiſh recuſants, according to the petition of the late parliament.

FROM the money Charles got by the loan he was enabled to equip his fleet: It conſiſted of eighty ſhips; ten thouſand of the land-forces were embarked to ſerve on the deſtined expedition. The chief command was entruſted to Sir Edward Cecil, lately created viſcount Wimbledon, a creature of Buckingham, to the neglect of Sir Robert Manſel, an old ſea-officer, who was in great eſteem with the people. The next in command to Wimbledon was lord

lightly to give up the only means whereby ſuch a reformation could be effected? The bare manner in which Charles had expoſed his neceſſities and prodigality proceeded from an abſurd ſuppoſition that the Commons would think themſelves bound in duty to relieve his wants, however imprudently they had been incurred. But this was the fond error of ſelf-flattery, and apparently claſhed with the real duties of their office. The ordinary revenue of the crown was the only fund legally its own; and the neceſſities to which the anticipation or alienation of that revenue would reduce a prodigal prince, was a favourable and fair opportunity to correct the errors of the ſtate, and enlarge and ſecure the liberties of the people.

The debts and expences which had been ſtated to the parliament amounted to the ſum of 800,000 l. when, beſides the money that had been laviſhed on the marriage and other ſolemnities, Charles had given large ſums to many of his creatures, and to the ducheſs of Chevreuſe, and other attendants on the queen.

Eſſex.

Eſſex. So looſely concerted was the plan of the expedi- Ann. 1625.
tion, that it was not till the rendezvous at Cape St. Vincent, after a ſtorm which had diſperſed the whole fleet, that a council of war was firſt called to determine the ſcene of action. Eſſex was for attacking Cadiz, and carried his opinion by a majority of voices. The length of time which the fleet had been at ſea was ſufficient to put the Spaniards on their guard. Though they found the bay full of ſhips of great value, yet theſe, through the neglect of the commanders *, were ſuffered to eſcape. The fort of Puntal was attacked by Eſſex, and taken. The poſſeſſion of this fort was of ſo ſmall conſequence, that it was immediately abandoned, and the ſoldiers, having drank plentifully of new wines, became diſeaſed. After this unfortunate beginning, the whole force returned to Cape St. Vincent, to wait for the Spaniſh Plate fleet, which was then on its return from America. But narrowly miſſing it, Wimbledon brought his ſickly crew home †.

THIS unſucceſsful ill-conducted attempt encreaſed the clamour againſt the miniſtry; and the diſcontented party enjoyed the triumph of ſeeing their enemies entangled in ſnares that became daily more intricate: A tyrannical government involving itſelf in difficulties

* A diſſention between the two commanders, Wimbledon and Eſſex, is ſaid to have occaſioned the prepoſterous management of this buſineſs.

† The contagion had been ſpread by the imprudence of the commander, who obliged every ſhip, not infected, to take a certain number of the ſick for ſound men. *Baker's Chronicle. Howel's Letters.*

that

Ann. 1625. that encreaſed the importance of the people, whilſt at the ſame time the happy ſituation of the kingdom exempted them from the fears of foreign hoſtilities.

DURING the courſe of the late expedition, Buckingham and the earl of Holland were ſent to the Hague to negotiate a treaty with the Dutch, and to confer with the ambaſſadors of the kings of Denmark and Sweden, who had joined in the confederacy againſt the houſe of Auſtria. The Dutch had entered heartily into the cauſe, and had lent an aſſiſtance of ſhips to the late expedition. In this congreſs Buckingham not only promiſed great things in his maſter's name, but threw out hints of hopeful expectations on the ſide of France. To ſupply the preſent exigencies of the war, he had carried with him the crown jewels, and pawned them in Holland for the ſum of 300,000 l. Therefore, when the fleet returned, Charles iſſued out a proclamation, prohibiting the ſoldiers from leaving their colours; and, truſting to the ſhallow expedient of nominating * Sir Edward Coke †, Sir Robert Philips, Sir Thomas Wentworth, Sir Francis Seymour, the leading popular mem-

Guthrie, p. 840.

* Such a nomination by cuſtom incapacitated them from ſerving in parliament.

† Sir Edward Coke objected to ſeveral things in the form of the oath given to the ſheriffs. This remarkable one againſt the Lollards was complied with, and, by the advice of the judges, left out, viz. "You ſhall do all your pains and diligence to deſtroy and make to ceaſe all manner of hereſies commonly called Lollaries, within your bailiwick, from time to time, to all your power, and aſſiſt and be helping to all ordinaries and commiſſioners of the holy church, and favour and maintain them as oftentimes as you ſhall be required."

bers, to ſerve as ſheriffs in the counties, he again ventured to call a parliament. Before this period Williams had not only been turned out of his office of lord-keeper, but was baniſhed from the council, and commanded to retire to his biſhopric of Lincoln.

Ann. 1625. Hacket's Life of Williams.

ANTECEDENT to the meeting of the parliament at Oxford, Williams, to remove (if poſſible) the growing diſtaſte of Buckingham, had officiouſly informed the king of the enmity that ſubſiſted in the houſe of Commons againſt his favourite; but undertook, if the ſeſſions was poſtponed till Chriſtmas, to take off the bittereſt ſticklers againſt him. This ſerved only to encreaſe Buckingham's jealouſy, who concluded that Williams could not have ſo exact an intelligence, or ſo great an influence as he boaſted, without being a party in the cabal againſt him. His hatred was ſo enflamed by this ſuſpicion, that though precedents of ſuch a nature touched him nearly, in the preſent diſpoſition of the Commons, his agents offered the party in the oppoſition to give his aſſiſtance to the ruin of Williams by a parliamentary proſecution. Hatred to Buckingham ſaved the keeper; who, in the point of paſſing the pardon to the Romiſh prieſts, had had the addreſs, at the expence of his patron, to clear himſelf tolerably well to the Commons. Immediately on the diſſolution of the parliament his diſgrace enſued: He received it with an abjectneſs of ſpirit equal to the ſervility of his deportment during the ſun-ſhine of his favour; and at the very time when he was practiſing with Sir Thomas Wentworth to debauch him from his party and principles, to bring him over to the court. In this place it

Ann. 1625. must be remembered, that when the extravagant articles, both private and public, were ſent by Charles from Madrid, that James either had, or affected to ſhew, compunctions of conſcience and honour at ſigning articles ſo deſtructive to the weal of the Proteſtant religion; Williams thereupon got up and made a florid ſpeech, in which he ſhewed the king and council that ſo doing was repugnant to neither. On theſe flattering perſuaſions the articles were immediately ſigned, and Williams, in a letter to Madrid, boaſted of the important ſervice he had rendered the prince. The biſhop of Lincoln's great rival and enemy was William Laud, biſhop of St. David's. This prelate, in his ſtation of preſident of St. John's college at Cambridge, had ſignalized himſelf as a turbulent oppoſer to the puritans, and as a ſtickler for the Arminian principles. He at length obtained the office of court-chaplain, and, by a ſedulous attention and compliance with the humours of the favourite, his patronage. When the biſhopric of St. David's became vacant, Buckingham aſked it for Laud; but James, on account of his ill fame *, ſhewing an averſion to his promotion, he employed Williams to teaze him into a compliance: Williams not only ſucceeded in this, but retained him in his prebendary of Weſtminſter, and procured him, in ſome time after, a living of 120 l. a-

* Laud had married Lady Rich to the earl of Devonſhire, her paramour, while her huſband was alive.

James had another objection to this promotion: Laud had given him ſome violent counſel in regard to the eccleſiaſtical affairs of Scotland; and his timorous diſpoſition was terrified at a circumſtance that partly prognoſticated the ſtorm that this zealous pedant had ſo great a ſhare in raiſing.

year,

year in the dioceſe of St. David's: For all which ſervices Laud, now on a foot of rivalſhip, and having in a manner engroſſed Buckingham's ear, became one of the principal means of Williams's diſgrace. Ann. 1625. Hacket's Life of Williams.

Four days before the meeting of parliament, the ceremony of the coronation was performed; and Charles had the imprudence, at this critical time, to add to the diſguſt of the public by exacting the obſolete tribute of knights fees from all thoſe that had forty pounds a-year *. The form of the coronation was compiled by biſhop Laud, who made two additions to that which had been more recently uſed, from the antiquated examples of Richard II. and Henry VI. One was this clauſe in the body of the ſervice: "Let him obtain favour of the people, like Aaron in the tabernacle, Eliſha in the waters, Zacharias in the temple. Give him Peter's key of diſcipline, and Paul's doctrine." The other was the following addreſs after the ceremony was performed: "Stand and hold faſt from henceforth the place to which you have been heir by the ſucceſſion of your fore-fathers, being now delivered to you by the authority of Almighty God, and by the hands of us and all the biſhops and ſervants of God. And as you ſee the clergy to come nearer to the altar than others, ſo remember that in all places convenient you give them greater honour; that the mediator of God and man may eſtabliſh you in the kingly throne, to be a mediator betwixt the clergy and the laity, and that you Coronation. Echard, fol. ed. 1718, vol. II. p. 31. Ruſhworth, vol. I. p. 201.

* The original ſum was twenty pounds; but at the time it was thus fixed, twenty pounds a-year was a conſiderable income.

Ann. 1625. may reign for ever with Jeſus Chriſt, the king of kings, and lord of lords *."

Parliament. 6th February. Ruſhworth, vol. I. p. 202, & ſeq.

Sir Thomas Coventry, an errant court-lawyer, obtained the ſeals on the diſgrace of Williams, and, on the meeting of the parliament, made a florid miniſterial ſpeech, full of groſs adulation and devotion to the crown: "If we conſider aright, ſaid he, and think of that incomparable diſtance between the ſupreme height and majeſty of a mighty monarch, and the ſubmiſſive awe and lowlineſs of a loyal ſubject, we cannot but receive exceeding comfort and contentment in the frame of this higheſt court, wherein not only the prelates, nobles, and grandees, but the Commons of all degrees, have their part; and wherein that high majeſty doth deſcend to admit, or rather to invite, the humbleſt of his ſubjects to conference and council with him of the great, weighty, and difficult affairs of the kingdom: A benefit and favour whereof we cannot be too ſenſible and thankful.—And it behoveth us to magnify and bleſs God that hath put the power of aſſembling parliaments in the hands of him, the virtue inherent of whoſe perſon doth ſtrive with the greatneſs of his princely lineage and deſcent, whether he ſhould be accounted *major* or *melior*, a greater king or a better man." This lofty deſcription of majeſty was anſwered in the ſame ſtrain by the bombaſt oration of the ſpeaker, Sir John Finch,

* Biſhop Williams, as dean of Weſtminſter, was by courſe to have a chief part in the ceremony; but he was commanded not to appear, and his place was ſupplied by his enemy Laud. An old crucifix found among the regalia was by his direction placed upon the altar. *Rapin*, 8vo. ed. 1730, vol. X. p. 35.

viz.

viz.—"And ſince we all ſtand for hundreds and thouſands, for figures and cyphers *, as your majeſty, the ſupreme and ſovereign auditor, ſhall pleaſe to place and value us; and, like coin to paſs, are made current by your royal ſtamp and impreſſion only.—Here your royal perſon, ſtill enthroned in the ſtate of majeſty, attended by a reverend and learned prelacy, a great and full nobility, enthroned like ſtars in the firmament, ſome of a greater, ſome of a leſſer magnitude, full of light and beauty, and acknowleging to whom they owe their luſtre, and by a choice number of worthy knights and gentlemen, that repreſent the whole body of your Commons. But to leave generals, we live not under a monarchy only, the beſt of governments, and under a government, the beſt of monarchies, but under a king, the beſt of monarchs, your royal perſon. And thoſe eminent graces and virtues which are inherent in your perſon, in whom greatneſs and goodneſs contend for ſuperiority, it were preſumption in me to touch, though with never ſo good a meaning; they will not be bounded within the narrow circle of my diſcourſe. What age ſhall not record or eternize your princely magnanimity in that heroic action or venturous journey into Spain? hazarding your perſon to preſerve the kingdom: Fathers will tell it to their children in ſucceſſion; after-ages will then think it a fable. Your piety to the memory of your dear father, in following and bedewing his hearſe with your tears, is full in every man's memory." Ann. 1625.

* There is a figure ſomething like this in a ſpeech of the royal orator James, viz. make the ſubjects like men at cheſs, a pawn to take a biſhop or a knight.

Ann. 1625. PREVIOUS to buſineſs, all the members, by an order of the houſe, received the ſacrament. This precaution was to diſcover any falſe papiſtical brethren, which might otherwiſe lurk under the cover of the oath of allegiance. A meſſage of complaint from the king acquainted the houſe that Sir Edward Coke, being ſheriff of Buckinghamſhire, was returned one of the knights of the ſhire for the county of York. This meſſage the houſe referred to the committee of privileges and elections, to report their opinions of the law in theſe caſes, and the uſage of parliament. Sir Edward Coke gave up his ſeat on this occaſion, though on the day before the diſſolution of the parliament it was reſolved that he ſtood, *de facto*, a member of that houſe.

Ruſhworth, vol. I. p. 215. THE Commons went into a warm examination of the public grievances: The miſcarriage of the fleet to Cadiz, the evil counſellors about the king, miſ-employment and waſte of the king's revenue; and they demanded an account of the three ſubſidies and fifteenths granted the 21ſt of James. It was reſolved that a committee for ſecret affairs*, and another for grievances, ſhould ſit every Wedneſday and Friday during this parliament; and an act was tendered and read to adminiſter an oath for the rendering a true account of all general and public taxes, rates, and collections. The preſent grievances, as enumerated by the committee, are theſe:

GRANTS of penſions now 120,000l. before but 80,000l.

* The buſineſs of this committee for ſecret affairs was to enquire into the conduct of Buckingham. *Guthrie*, vol. III. p. 840.

IN-

INCREASE of houſhold from 45,000l. to 80,000l. Ann. 1625.

FRUITLESS ambaſſadors, with larger allowance than formerly:

TREBLE increaſe of the privy purſe:

DOUBLE increaſe of the treaſury, of the chamber, and great wardrobe:

NEW impoſitions and monopolies multiplied, and ſettled to continue by grants:

CUSTOMS enhanced by the new book of rates:

TONNAGE and poundage levied without any act of parliament.

Council of war examined. THE council of war * was examined concerning the management of the money entruſted to them by parliament for four ends ſpecified the 21ſt of James. They all, on various pretences, declined giving ſatisfaction, except Sir Robert Manſel, who promiſed to anſwer fully to every particular, provided he had leave of the king. On this general refuſal the oppoſition dropped the affair, having gained an advantageous point from the ſuſpicions to which the miniſtry was expoſed, by laying on the commiſſioners injunctions of ſecrecy, contrary to the conditions of the grant †.

* The men that compoſed this council of war were the Lords Carey, Brook, Vere, Grandiſon, Sir Robert Manſel, Sir John Ogle, and Sir Thomas Button.

† According to the conditions of the grant, the treaſurers had made

Ann. 1625. A COMMITTEE was named concerning religion, and Montague's publications were again called in queſtion: Theſe affairs were principally managed by Pym, a member of great experience and acquired judgment, having ſerved in more than one parliament in the laſt reign *. Warmly as Montague had been proſecuted in three ſucceſſive ſeſſions, he at length eſcaped ſentence by a more intereſting proſecution, which at this time engroſſed the attention of the whole body. Dr. Turner, a phyſician, propounded theſe queries to the houſe:

Ruſhworth. Whitlock. I. Whether the duke being admiral be not the cauſe of the loſs of the king's royalty in the narrow ſeas?

II. Whether the unreaſonable, exorbitant, and immenſe gifts of money and lands beſtowed on the duke and his kindred, be not the cauſe of impairing the king's revenue and impoveriſhing the crown?

III. Whether the multiplicity of offices conferred upon the duke and others depending upon him (whereof they are not capable) be not the cauſe of the evil government of this kingdom?

made oath that none of the money ſhould iſſue out of their hands without warrant from the council of war. The council of war had made oath that they ſhould make no warrants for the payment of any of the money, but only for the ends ſpecified by parliament; and, further, ſhould all be accountable for their doings and proceedings in that buſineſs, to the Commons in parliament, when they, or any of them, ſhould be thereunto required. *Parliam. Hiſt.* vol. VI. p. 427.

* Mr. Pym was one of the ſuffering members that were impriſoned by James for ſpeaking freely againſt the meaſures of the court.

IV.

IV. Whether recuſants in general, by a kind of connivance, be not encreaſed by reaſon of the duke's mother and his father-in-law being known papiſts? Ann. 1625.

V. Whether the ſale of honours, offices, and places of judicature, eccleſiaſtical livings and promotions (a ſcandal and hurt to the kingdom!) be not through the duke?

VI. Whether the duke's ſtaying at home, being admiral of the fleet, and general of the land army, was not the cauſe of the bad ſucceſs and overthrow of that action, and whether he gave good directions for that deſign?

Proſecution of Buckingham.

ON this accuſation it was reſolved, upon the queſtion, that common fame was a good ground of proceeding for the houſe of Commons, either by enquiry, or preſenting the complaint (if the houſe finds cauſe) to the King or Lords. Among the arguments and obſervations urged to procure this reſolution, Sir Thomas Wentworth's were very rational: That if they could not preſent to the Lords upon common fame, yet they might enquire and accuſe in that houſe upon it; that this was the only ſafeguard of accuſation for great men, whereas in all others no man dare accuſe them, for fear of danger. Mr. Rolle ſaid, that the Commons might preſent a lord of the higher houſe to the Lords, for he was not compellable to anſwer in the houſe of Commons; thus, if they could not preſent upon common fame, he could never be drawn to anſwer. If the offence tended to felony or treaſon, the Commons might pray to have him com-

Parliam. Hiſt. vol. VI. p. 438, & ſeq.

Ann. 1625. committed, in reſpect to the quality of the fact. That it was otherwiſe in ſmaller offences: In the 5th Hen. IV. a complaint was made againſt the king's confeſſor, and ſome others; hereupon the Lords ordered that he ſhould be removed from about the king; and the king in parliament, though he knew no cauſe particular, yet, becauſe the Lords and Commons had thought them unfitting, he there commanded them to come no more near him; and aſſured the aſſembly, that if there were any others againſt whom the Lords and Commons had indignation, he would remove them alſo. The two lawyers, Selden and Noy, argued for the legality of the proceeding on common fame; and the Commons forwarded the proſecution with great vigour, appointing ſeveral committees for particular enquiries into the duke's conduct.

Ruſhworth, vol. I. p. 215. WHILST they were thus employed in preparing and digeſting theſe matters into a ſpecial charge, they received a moſt importunate meſſage from the king, ſetting forth "the infinite prejudice the public affairs muſt receive by the longer delaying the ſupplies; that his majeſty's fleet being returned, and the victuals ſpent, the men muſt of neceſſity be diſcharged, and their wages paid, elſe an aſſured mutiny would follow, which may be many ways dangerous at this time; that his majeſty hath made ready about forty ſhips, to be ſet forth on a ſecond voyage, which want only victuals and ſome men, which, without preſent ſupply of money, cannot be ſet forth and kept together; that the army which is appointed muſt be diſbanded, if they be not preſently ſupplied with victuals and cloaths; that if the

the companies of Ireland lately ſent thither be not provided for, inſtead of defending that country they will prove the authors of rebellion; that the ſeaſon of providing healthful victuals will be paſt, if this month be neglected." Ann. 1625.

POWERFUL as theſe arguments appeared to the king, the Commons did not think it prudent to truſt the ſword in the hands of Buckingham, at the very time they were proceeding againſt him as an intolerable nuiſance in the ſtate. Mr. Coke, ſon of Sir Edward Coke, had avowed this ſentiment in the houſe: "It is better, ſaid he, to be eaten up by a foreign enemy than to be deſtroyed at home."

THE Commons, not to leave the ſmalleſt reproach upon themſelves of neglecting the real ſervice of their country, ſent the king a very civil anſwer, in which they teſtified an aſſured belief that he would accept and follow the faithful and neceſſary advice of his parliament, and that on this conſideration they intended to aſſiſt and ſupply him in ſuch a way, and in ſo ample a meaſure, as ſhould make him ſafe at home, and feared abroad.

CHARLES was ſtung to the quick at a meſſage, that in a manner ſubtle and ſpecious, ſhewed the determined reſolution of the houſe to give no aſſiſtance towards the occaſions of the war till a miniſtry ſhould be elected on whom they could place an entire confidence. He aſſumed a more haughty manner than he had before uſed to the Commons, no doubt with an intention either

Ann. 1625. to awe this reſolute aſſembly into ſubmiſſive meaſures, or to provoke them out of that prudent reſerve which had hitherto confined their oppoſition within the accuſtomed bounds of reſpectful language: "But for your clauſe of preſenting grievances (writes he in his reply to their anſwer) I take that but for a parentheſis in your ſpeech, and not a condition: And yet for anſwer to that part, I will tell you, I will be as willing to hear your grievances as my predeceſſors have been; ſo that you will apply yourſelves to redreſs them, and not to enquire after them. I muſt let you know, that I will not allow any of my ſervants to be queſtioned among you, much leſs ſuch as are of eminent ſtate, and near unto me. The old queſtion was, What ſhall be done to the man whom the king will honour? but now it hath been the labour of ſome to ſeek what may be done againſt him whom the king thinks fit to honour *?" Charles proceeds to reproach the Commons for inconſtancy, in proſecuting a man who was once an univerſal favourite among them; and finiſhes with this threat: "I would you would haſten my ſupply, or elſe it will be worſe for yourſelves; for if any ill happen I ſhall be the laſt that feel it." This magiſterial language produced no effect on the meaſures of the Commons: They calmly voted the king three ſubſidies and

Parliam. Hiſt. vol. VI. p. 430, & ſeq.

* It muſt be remarked that this quotation, taken from the Old Teſtament, is an inſtance of the power of a Perſian king, conſequently abſurdly adapted to that of a limited monarch, and ſhews that Charles's notions of regal government were as confuſed as James's; both of them reſolving its ſeveral diſtinctions into that of a ſimple and abſolute monarchy.

three

three fifteenths *; but the act not to be brought in till the grievances were preſented and anſwered. Then they reſumed the debates concerning the impeachment of Buckingham, and ordered him to have notice of what had been charged againſt him. In this debate Sir W. Walter made a ſevere ſpeech againſt the favourite; and Sir John Elliot ſhewed that it was not the manner of parliaments to give before their grievances were redreſſed. Charles, perplexed and exaſperated at a conduct which baffled all his ſchemes, was determined to attempt the expedient of hectoring the Commons in perſon, and ſent for the two houſes to Whitehall. He began his ſpeech with thanking the Lords for having incited the Commons to take the ſtate of the kingdom into conſideration. He avowed that if this parliament did not redound to its good, it was not their faults †; that he came to ſhew the Commons their errors. Then the lord-keeper, by the king's command, taking up the ſpeech, ſhewed that the following declaration was only intended for the Commons, but that his majeſty was willing that the Lords ſhould be witneſſes of the honour and juſtice of his reſolutions; that his majeſty had approved, by his behaviour, his affection for the right uſe of parliaments;---that after he had received ſatisfaction for his reaſonable demands, he would, as a juſt king, anſwer the grievances that ſhould be preſented to him in a dutiful manner; that as his majeſty was well-af-

Ann. 1625.

Ann. 1626. Parliam. Hiſt. vol. VI. p. 444, & ſeq.

* Some days after this the Commons added a fourth ſubſidy.

† The Lords, in a conference with the Commons on the ſtate of affairs abroad, had recommended to the Commons to reſolve on giving the king a ſpeedy aſſiſtance. *Parliam. Hiſt.* vol. VI. p. 470.

 fectioned

Ann. 1626. fectioned to the right uſe of parliaments, ſo never king was more jealous of his honour, nor more ſenſible of the contempt or neglect of his royal rights, which he will by no means ſuffer to be violated by any pretence of parliamentary liberty, wherein his majeſty doth not forget that the parliament is his council, and therefore ought to have the liberty of a council; but he underſtands the difference between counſel and controuling, between liberty and the abuſe of liberty. The lord-keeper next proceeded to ſchool the Commons for not having, according to a meſſage from his majeſty, corrected Mr. Coke for a ſeditious ſpeech uttered in the houſe; and for not only encouraging, but walking in the ſteps of Dr. Turner, who did take upon him, ſaid he, to adviſe the houſe upon ſundry articles againſt the duke of Buckingham, as he pretended; but, in truth, to wound the honour and government of his majeſty, and of his renowned father: And his majeſty, firſt by a meſſage, and after by his own royal mouth, did declare that that courſe of enquiry was an example which by no way he could ſuffer, though it were againſt his meaneſt ſervant, much leſs againſt one ſo near him; and that his majeſty did much wonder at the fooliſh inſolence of any man that could think that his majeſty ſhould be drawn, out of any end, to offer ſuch a ſacrifice ſo unworthy of a king or a good maſter. He then aſſerted the duke's ſincerity and diſcretion from the king's own knowlege, with a reproach to the Commons of diſreſpectful proceedings; that their committees had preſumed to examine the letters of the ſecretary of ſtate *.

* Committees had been diſpatched to the ſignet-office, to ſearch for originals

Then the Commons were reprimanded for their dilato- Ann. 1626.
rineſs in proceeding in the buſineſs of the ſupply, the inadequateneſs of the ſum to the king's wants, and the condition in a manner tacked to it: "Therefore, continued the keeper, his majeſty commandeth that you go together again, and by Saturday next return your final anſwer what farther ſupply you will add to this you have already agreed on; and that to be without conditions, either directly or indirectly, for the ſupply of theſe great and important affairs of his majeſty, which, for the reaſons formerly made known unto you, can endure no longer delay; and if you ſhall not by that time reſolve on a more ample one, his majeſty cannot expect a ſupply this way, or ſuffer you to ſit longer together; otherwiſe, if you do it, his majeſty is well content that you ſhall ſit ſo long as the ſeaſon of the year will permit; and doth aſſure you that the preſent addition to your ſupply to ſet forward the work ſhall be no hindrance to your ſpeedy acceſs again." When the keeper had finiſhed, the king, re-taking up the ſpeech, reproached the Commons in high terms on the old topic of the parliament's having helped him to break off the treaties with Spain; then, continuing his ſpeech, ſaid, "Mr. Coke told you it was better to be eaten up by a foreign enemy than to be deſtroyed at home. Indeed I think it is more honour for a king to be invaded, and almoſt eaten up, by a foreign enemy, than

originals of letters for reprieving of prieſts condemned at York. The Commons alleged in their anſwer to the reproach of the lord-keeper, that in the above-mentioned act they had done nothing not warranted by the precedents of former parliaments upon the like occaſions. *Parliam. Hiſt.* vol. VI. p. 466.

to

Ann. 1626. to be deſpiſed by his own ſubjects.—Remember that parliaments are altogether in my power, for their calling, ſitting, and diſſolution: Therefore, as I find the fruits of them good or evil, they are to continue, or not to be; and remember that if in this time, inſtead of amending your errors, by delay you perſiſt in your errors, you make them greater and irreconcileable; whereas, on the other ſide, if you do go on chearfully to mend them, and look to the diſtreſſed ſtate of Chriſtendom, and the affairs of the kingdom, as it lieth now by this great engagement, you will do yourſelves honour; you ſhall encourage me to go on with parliaments, and I hope all Chriſtendom ſhall feel the good of it."

THIS injudicious bravado put a ſtop to all the preceding buſineſs in the houſe: The Commons entered into debates on the unconſtitutional ſpeeches that fell from the king and the keeper, turned the houſe into a grand committee, ordered the doors to be locked, no member to go forth, and that the proceedings of other committees ſhould be ſtopped till they came to a reſolution in this buſineſs. When theſe determinations were made known to the king, the duke of Buckingham was ordered to explain thoſe parts of the ſpeeches that were liable to the moſt exceptions. He took the opportunity of addreſſing the houſe with a kind of vindication of his own conduct *.

* One of the circumſtances that Buckingham alleges to prove his fidelity to the proteſtant religion is this: "If I would have converted myſelf, ſaid he, I might have had the infanta put into my maſter's bed; and if any diſcontent ſhould have riſen here, I might have had an army to have come with me; but I thought the offer fooliſh,

A REMONSTRANCE was then framed by the Commons, and ſent up to the throne, on the fifth of April, in anſwer to the charges alleged againſt them in the king's and the lord-keeper's ſpeeches. The houſe was then adjourned by deſire of the king to the thirteenth. This adjournment was only carried by a majority of thirty, and proves that the low-church party were at this time very numerous in the lower houſe, the oppoſition thinking it fit to ſit through the holidays *. After this ſhort receſs, the Commons returned again to the buſineſs of the proſecution; but whilſt they were thus employed, an intereſting ſcene was carrying on in the houſe of Lords. Ann. 1626.

WITH the low expedient which had been uſed by the miniſtry of incapacitating, by nominating thoſe men ſheriffs who had the greateſt ſway in the oppoſition, from ſerving among the Commons, more exceptionable meaſures had been uſed to rid Buckingham of his antagoniſts in the upper houſe.

WHEN the parliament was ſummoned, by an unwarrantable ſtretch of prerogative, Charles had given or- Ruſhworth. Parliam. Hiſt.

fooliſh, ridiculous, and ſcornful, in that point of religion." We do not hear that the Commons made any animadverſions on this vindication of Buckingham; but ſurely nothing could be more abſurdly impolitic than to avow but this objection to the offers of the Spaniards. *Parliam. Hiſt.* vol. VI. p. 454.

* This was not the only inſtance of the powerfulneſs of this party; it was alleged in the houſe this ſeſſions that proclamations for not dreſſing meat in Lent were great grievances.

We find in Rymer that theſe proclamations had been very frequent in the laſt reign.

ders,

Ann. 1626. ders, that no writ ſhould be ſent to the biſhop of Lincoln nor the earl of Briſtol. On an application from the latter to the houſe of Lords, his writ was ſent him, but with it a letter from the lord-keeper, forbiding his perſonal attendance. On the receipt of this mandate, Briſtol preferred a ſecond petition to the upper houſe, repreſenting his caſe as an important encroachment on the liberty and ſafety of the peers, with a deſire to be ſent for and heard in accuſation of the duke of Buckingham; having been wronged for the ſpace of two years in his reputation and liberty by the aſperſions of the ſaid duke, to keep him from the preſence of his majeſty and parliament, leſt he ſhould diſcover ſeveral of his crimes and miſdemeanors.

BRISTOL had had the offer, on condition of an entire acquieſcence, to remain without farther moleſtation, and enjoy the benefit of the pardon granted laſt parliament; but Charles, provoked at theſe repeated acts of oppoſition, ordered the attorney-general to enter an accuſation of high-treaſon againſt him in the houſe of Lords; and ſignified his pleaſure, in a meſſage by the lord-keeper, that he ſhould be ſent for as a delinquent to anſwer his offences. Briſtol reminded the Lords, that their houſe was poſſeſſed of his former petition, and of his accuſation of Buckingham: He therefore deſired that they would receive his charge againſt the duke and the Lord Conway, and not to invalidate his teſtimony againſt them by the king's charge againſt him.

THE offences charged by the crown againſt Briſtol are comprized under theſe heads:

THAT

THAT he had, contrary to his knowlege, given information to the court of England, that the king of Spain did really intend to conclude the marriage, and make reſtitution of the Palatinate: Ann. 1626. Articles againſt Briſtol.

THAT he had, contrary to inſtructions, continued the treaties on generalities:

THAT he had terrified the late king from retreating by magnifying the power of Spain:

THAT he had perſuaded the enlargement of jeſuits and Romiſh prieſts:

THAT he had endeavoured traiterouſly to perſuade the prince to change his religion:

THAT on the offer made by Spain of a marriage between the Palatinate's eldeſt ſon and the emperor's daughter, with the condition of his being bred up in the emperor's court, he had given it as his opinion that the propoſition was reaſonable:

THAT he had ſet a day for the delivery of the *depoſſorios*, without treating of the things commanded to him as reſtrictions:

THAT he had ſignified in confidence, that he cared not what the ſucceſs of the treaties might be, but was determined to make his fortune by the negotiation:

THAT his intricate management had enforced the

Ann. 1626. preſent king, when prince, to the dangerous journey into Spain:

LASTLY, he had offended in a high manner, by preferring a ſcandalous petition to the houſe, to the diſhonour of his majeſty, of bleſſed memory, deceaſed, and of his ſacred majeſty that now is; offences no way ſufferable in a ſubject towards a ſovereign; and in one article of that petition wherein he gives his now majeſty the lie, in denying that relation which his majeſty affirmed. Of this charge Charles declared himſelf the accuſer: Briſtol offered to make any ſubmiſſion that ſhould be perſonal, to the king; but beſought the Lords to take into conſideration how dangerous would be the conſequences if his majeſty ſhould be accuſer, judge, witneſs, and have the confiſcation *. He moved that the duke of Buckingham might be put in equal condition with himſelf; and that as he had given in articles againſt the lord Conway, he might not be permitted to meddle in that particular buſineſs, or uſe the king's name in it, *ex officio*.

IN laying open his caſe he ſhewed that Buckingham had

* Charles had offered to be himſelf the principal evidence againſt Briſtol. The houſe, to avoid a difficulty contrived on purpoſe to reſtrain the freedom of their judgment, conſulted the judges on the following point: Whether in the caſe of treaſon or felony the king's teſtimony was to be admitted or not? whether words ſpoken to the prince, who is after king, makes an alteration in this caſe? The judges gave the houſe to underſtand, that they had received an expreſs command from the king not to give their opinion on theſe queſtions. *Ruſhworth*, vol. I. p. 268, *& ſeq.*

had obtained his impriſonment to prevent the diſcovery of his own bad practices in Spain; that by ſiniſter means he had continued him in that reſtraint, becauſe he had refuſed to ſign ſome propoſitions ſent to him by the ſaid duke. He next proceeded to the articles of impeachment againſt the duke of Buckingham and the lord Conway. The heads of them are as follow: Ann. 1625.

THAT the duke of Buckingham did combine with the Conde Gondemar to carry his majeſty, late prince, into Spain, to procure his converſion: Articles againſt Buckingham. Ruſhworth, vol. I. p. 262, & ſeq.

THAT when in Spain he laboured it; and by flattering the Spaniſh miniſter on this point, he cauſed them to recede from conditions that had been before propounded:

THAT he had procured a letter to be written from his late majeſty to the pope:

THAT he had received a bull to encourage him in the perverſion of the prince:

THAT he had given ſcandal by his perſonal behaviour in Spain; and, having incenſed the king of Spain and his miniſters, he put in practice divers undue courſes to break the match:

THAT he had been, in great part, the cauſe of the ruin and misfortune of the prince palatine and his eſtates, inaſmuch as thoſe affairs had relation to the kingdom of Spain:

Ann. 1626.

THAT he had abuſed the parliament by his ſiniſter relation; and wronged the earl of Briſtol in point of his honour, by many ſiniſter aſperſions he had laid upon him; and in point of his liberty, by many undue courſes, through his power and practices:

THAT he had vexed and preſſed his late majeſty, for having ſent the earl of Briſtol word that he would hear him againſt the duke, as well as he had heard the duke againſt him.

THE heads of the articles given in againſt the lord Conway were,

Articles againſt the lord Conway. Ruſhworth, vol. I. p. 264, & ſeq.

THAT the lord Conway had profeſſed himſelf ſo great a ſervant of the duke's, that he had not ſtuck to declare that if matters could not be accommodated between them, he muſt then adhere to the duke; from which he inferred that lord Conway was unfit to be a judge in any thing that concerneth the duke or the earl:

THAT the lord Conway, as a creature of the ſaid duke, had, by various miſrepreſentations and undue means, not only occaſioned the earl of Briſtol's reſtraint, and lengthened it, but during its continuation had perplexed him in his buſineſs and otherwiſe:

THAT on the earl of Briſtol's having fully anſwered twenty interrogatories, which had been made to him in his late majeſty's name, that the lord Conway, being the ſecretary to the lords commiſſioners who were appointed to ſearch into the proceedings of the ſaid earl, perceiving

perceiving that the ſaid earl was like to be cleared, never moved for a farther meeting, nor have the lords commiſſioners ever been permitted to meet to this day: Ann. 1626.

THAT though the lord Conway knew that the match of the king of Bohemia's eldeſt ſon with the emperor's daughter, and his being bred in the emperor's court, was allowed and propounded by his late majeſty, yet had he ſuffered it to be charged againſt the earl of Briſtol, both in the interrogatories, and in his majeſty's laſt letter:

THAT the lord Conway had been the cauſe of all the earl of Briſtol's troubles, by his dubious and entrapping diſpatches, and inferring that the ſaid earl had failed in his directions, when it ſhould be made appear that his diſpatches contained no ſuch directions as he hath alleged were given.

THE houſe came to a reſolution not to commit the earl of Briſtol to the Tower, but to let him remain in cuſtody of the gentleman uſher; and that the king's charge againſt the earl ſhould have the firſt hearing, then the earl's againſt the duke; yet ſo that the earl's teſtimony againſt the duke ſhould not be prevented, prejudiced, or impeached *.

CHARLES, finding by theſe determinations, that the

* On the earl's requeſt, the houſe had granted him counſel: This Charles objected to; but finding that the houſe was reſolved to abide by their own determination, he at length gave way. *Parliam. Hiſt.* vol. VII. p. 29, 180, *& ſeq.*

ſenſe

Ann. 1626. ſenſe of the peers ran favourable to Briſtol, ſent them the following meſſage:

THAT he took notice of the articles exhibited againſt the duke of Buckingham, and he found they were ſuch that he was able of his own knowlege to ſay more than any man of the duke's ſincerity; that one of them, touching the narrative made in parliament, trencheth as far upon himſelf as the duke; he ſent them thanks that they gave no way to the earl of Briſtol's unreaſonable motion of putting the duke under the ſame reſtraint as they did the earl, thereby eſchewing what the earl aimeth at, namely, to alter their dutiful proceedings towards him; that thereby they had made him confident that they will continue to put a difference between his charge againſt one that appeareth as a delinquent, and the recrimination of the earl of Briſtol againſt his evidence *. Thus did Charles injudiciouſly run the riſk of incurring a public affront, by thruſting himſelf in, not only as an evidence, but as an acceſſary with Buckingham.

THE crown at this time made an attempt to carry the proſecution into the King's Bench; but this was vigorouſly oppoſed by the Lords, on the following objections:

* On the occaſion of theſe cauſes now depending the king had ſent for the whole body of biſhops, and charged them in the judgments they gave to be guided by their conſciences. At the ſame time he aſſured them that he was always ready to promote the cauſe of the church; giving them a gentle reprehenſion that they had not made known unto him in this ſeſſions of parliament what might be profitable for it. *Ruſhworth*, vol. I. p. 247.

" HE

" HE can have no counſel: Ann. 1626.

" HE can uſe no witneſs againſt the king:

" HE cannot know what the evidence againſt him will be time enough to prepare for his defence; ſo the innocent may be condemned, which may be the caſe of any peer, and the liberties of the houſe thereby infringed, and the honour and juſtice thereof declined:

" THE earl being indicted, it will not be in the power of the houſe to keep him from arraignment; and ſo he may be diſabled from making good his charge againſt the duke:

" IT appears that the earl, for the ſpace of two years, till now he complained, hath not been ſo much as queſtioned for matter of treaſon; he hath been examined on twenty interrogatories, and the commiſſioners ſatisfy that his anſwer will admit of no reply:

" THE lord Conway by ſeveral letters hath intimated that there was nothing againſt him but what was pardoned by the parliament's pardon of the 21ſt of James; and ſignified his majeſty's pleaſure that he might reſt in that ſecurity:

" HIS majeſty hath often declared, both to the counteſs of Briſtol and others, that there was neither felony nor treaſon againſt him, nor ought elſe but what a ſmall acknowledgment would expiate."

THESE

Ann. 1626. THESE repreſentations of the Lords were ſo many favourable omens to Briſtol, who denied almoſt every article of the king's charge *, and proved, by the undeniable teſtimony of the written intercourſe between him and the court of England, that he had acted in concert with James's inclinations, and according to the general and particular inſtructions of that monarch. "As touching the charge itſelf (ſaid Briſtol in a ſpeech he

* The firſt article of the king's charge is, That Briſtol had, contrary to his knowlege, given deluſive hopes to the court of England concerning the concluſion of the treaty. Among the Harleian manuſcripts there are ſeveral letters from Buckingham, whilſt in Spain, to his patron James. The letters that he wrote previous to the diſguſt that he took at that court, are full of flattering intelligence relative to this point. One of them hath theſe particular expreſſions: "If we can either judge by outward ſhews, or general ſpeeches, we have reaſon to condemn your ambaſſadors for ſpeaking too ſparingly than too much. If the pope will not grant a diſpenſation, we would be glad to have your directions how far we may engage you in the acknowledgment of the pope's ſpiritual power; for we almoſt find if you will be contented to acknowledge the pope chief head under Chriſt that the match will be made without him." *MSS. in Br. Muſeum*, n. 6987.

The following letter from Charles to the duke of Buckingham, preſerved among the ſame manuſcripts, ſhews that Charles, whilſt prince of Wales, had entered into all Buckingham's little piques, and that he was a violent partizan againſt Briſtol:

"Stenie,

"Now I muſt crave your pardon to trouble you a little; it is this: Briſtol ſtands upon his juſtification, and will by no means accept of my counſels; the king does haſte to have him come to his trial; and I am afraid, if you be not with us to help to charge him, and ſet the king right, he may eſcape with too light a cenſure. Therefore I would have you ſend to the king to put off Briſtol's trial till you might wait of him, but for God's ſake do not venture to come ſooner than you may with the ſafety of your health, &c. &c."

made

made to the Lords on the ſubject of his vindication) I Ann. 1626.
have once anſwered all, except that of my petition; I expected not to have heard of theſe again. I expected a remonſtrance of ſome practice with Spain againſt the ſtate; or to be charged with the receipt of ten or twenty thouſand pounds, for the perſuading and procuring the delivering up of ſome towns that the crown was in poſſeſſion of, as might be the Brill, or Fluſhing, or the like; or for being the means of the delivery of the king's ſhips to ſerve a foreign nation againſt thoſe of our own religion; or for the revealing of his majeſty's higheſt ſecrets, which none but two or three did know of; or for treating of the greateſt affairs, as it were by my own authority, without formal inſtructions in the point; or, as the law calls it, to have committed ſome overt act of diſloyalty; and not to be charged, after ſeven ambaſſages, with diſcouragements and inferences."

IT is very apparent, notwithſtanding the ſpecioufneſs of Briſtol's defence, that his whole conduct had been ſubſervient to the point of private advantage; that he had already obtained an opulent fortune by an exact conformity to the views of James; and that from motives of ſelfiſhneſs he had put in practice every expedient to prevent the rupture of the Spaniſh treaty. Nor was his preſent oppoſition excited by principles of independence, or generous feelings, whilſt recriminating againſt Buckingham: He meanly courted the prince who was exerciſing over him the moſt unjuſtifiable oppoſition; on the merit of his management in the treaty with Spain, he had obtained, and at this very time enjoyed, the ſpoils of a man whoſe unjuſt fate was yet freſh in the memory

Ann. 1626. of the public *. To theſe circumſtances, ill-adapted to attract the eſteem of the people, his avowed principles of religion were as extravagantly hierarchical as were thoſe of the preſent miniſtry. The extreme odium, therefore, which his antagoniſt Buckingham had at this time incurred, and the oppreſſive treatment himſelf had met with from the crown, were the only cauſes that gained a popularity to his ſide of the conteſt.

Buckingham impeached.

THE Commons, who had been all this while preparing matters for the impeachment, now brought up their charge againſt the miniſter †. It was managed by eight

* This was Sir Walter Raleigh, whoſe large eſtate of Sherbourn had been firſt given by James to Somerſet, and then to Briſtol. Sir Antony Weldon hints that Briſtol was one of the principal means of Sir Walter's execution, by repreſenting it to James as a neceſſary ſacrifice towards the attainment of the Spaniſh match. Nor was this the only ſtep he took to ſecure the poſſeſſion of theſe lands: Mr. Carew Raleigh relates, that on his addreſſing himſelf to the parliament to be reſtored in blood, king Charles ſent to him, and told him plainly, that, on the obligation of ten thouſand pounds, he had promiſed the earl of Briſtol to ſecure his title to Sherbourn againſt the heirs of Sir Walter Raleigh; that now being king he was bound to make good his promiſe; therefore, unleſs Mr. Raleigh would quit all his right and title to Sherbourn, he neither would nor could paſs his bill of reſtoration. Whereupon Mr. Raleigh, being then not twenty years of age, left friendleſs and fortuneleſs, was prevailed on by the promiſe of a ſubſiſtence to ſubmit to the king's will. *See A Brief Relation of Sir Walter Raleigh's Troubles, &c. To the right honourable the commons of England, the humble petition of Carew Raleigh, in Sir Walter Raleigh's Life and Works by Dr. Birch.*

† The Commons had ſent to the duke to let him know that they were paſſing articles againſt him, and that they had given the meſſengers orders to take notice thereof out of the clerk's books, of which he might take a copy if he pleaſed; and that they expected his

members * and ſixteen aſſiſtants †. Sir Dudley Diggs Ann. 1626. opened it with a florid metaphorical introduction ‡.

As one of the crimes alleged againſt Buckingham was the accumulation of offices and honours which he had obtained through his inordinate influence, the Commons did not omit any of theſe in the preamble to their declaration; viz. "The Commons in this preſent parliament——do by this their bill ſhew and declare againſt George, duke, marquis, and earl of Buckingham; earl of Coventry; viſcount Villiers; baron of Whaddon; great admiral of the kingdoms of England and Ireland, and of the principality of Wales, and of the dominions and iſlands of the ſame, and of Normandy, Gaſcoigne, and Guienne; general governor of the ſhips of the ſaid kingdom; lieutenant-general, admiral, captain-general, and governor of his majeſty's royal Ruſhworth, vol. I. p. 303.

anſwer on the ſame day before ten of the clock, if he choſe to ſend any. This meſſage the duke ſignified to the Lords, who did not think fit that he ſhould anſwer; and the duke ſignified this determination to the Commons. *Ruſhworth*, vol. I. p. 247.

* The eight managers were, Sir Dudley Diggs, Mr. Glanville, Mr. Herbert, Mr. Pym, Mr. Whitby, Mr. Selden, Mr. Wandsford, and Sir John Elliot. *Guthrie*, vol. III. p. 849.

† The ſixteen aſſiſtants were, Sir Francis Barnham, Mr. Litleton, Sir William Earl, Sir William Ermyn, Mr. Noy, Mr. Rolles, Sir Benjamin Rudyard, Mr. Maſon, Sir Nathaniel Rich, Mr. Brown, Mr. Sherland, Mr. Wyld, Mr. Charles Jones, Mr. Kirton, Mr. John Strangeways, and Mr. Therfield. *Guthrie*, vol. III. p. 849.

‡ The orators of theſe times had not yet diſcarded this vicious elocution, which had been greatly heightened by the example of James.

Ann. 1626. fleet and army lately ſet forth; maſter of the horſe of our ſovereign lord the king; lord warden, chancellor, and admiral of the Cinque Ports, and of the members thereof; conſtable of Dover-caſtle; juſtice in eyre of all the foreſts and chaces on this ſide of the river Trent; conſtable of the caſtle of Windſor; gentleman of his majeſty's bed-chamber; one of his majeſty's moſt honourable privy council in his realms both in England, Scotland, and Ireland, and knight of the moſt honourable order of the garter; the miſdemeanors, miſpriſions, &c.—"

Ruſhworth. Guthrie. THE whole of this charge againſt Buckingham may be comprized under eight articles; viz.

THAT he had engroſſed a multiplicity of offices in his own hands, and had rendered offices and honours venal, by procuring and beſtowing them for money:

THAT he had neglected the performance of his duty in the office of admiral:

THAT he had ſeized and detained goods from the ſubjects of the French king, out of a ſhip called the St. Peter of Newhaven, on which enſued an arreſt at Newhaven of two Engliſh merchant-ſhips, to the great diſturbance of trade, and prejudice to the merchants:

THAT he had extorted the ſum of 10,000 l. from the Eaſt India company:

THAT

THAT he had procured the Vaunt-guard and ſix mer- Ann. 1626.
chant-ſhips to be delivered into the hands of the French king, knowing that they were intended to be employed againſt the French proteſtants:

THAT he had procured divers titles to his kindred and allies, whoſe eſtates being ſmall, they could not be maintained in that dignity but at the expence and damage of the crown, who thereby diſabled itſelf to reward extraordinary virtue in future times with honour:

THAT he had obtained a grant of divers manors belonging to the crown, and had likewiſe received exceeding great ſums of money for his own uſe, without account, to the great diminution of the revenues of the crown:

THAT, without a ſufficient warrant, he had unduly procured certain plaiſters, and a certain drink or potion, to be given to his late majeſty, after which divers ill ſymptoms did appear upon his ſaid majeſty, who did attribute the cauſe of his growing worſe to the ſaid plaiſters and drink.

THE whole charge was concluded and enforced by Sir John Elliot, who, in the execution of this taſk, diſplayed the powers of a lively nervous elocution.

AFTER this impeachment the king came to the houſe, and made a cajoling ſpeech to the Lords: He aſſured them that the cauſe of his coming was to expreſs the ſenſe he had of all their honours; that what affected Ruſhworth, vol. I. p. 357.

them

Ann. 1626. them affected him in a very ſenſible manner*: "I have thought fit, adds he, to take order for the puniſhing ſome inſolent ſpeeches lately ſpoken. I have been too remiſs heretofore in puniſhing ſuch ſpeeches as concern myſelf; not that I was greedy of their monies, but that Buckingham, through his importunity, would not ſuffer me to take notice of them, leſt he might be thought to have ſet me on. And to come the forwarder to his trial, and to approve his innocence; as touching the matters againſt him, I myſelf can be a witneſs to clear him in every one of them †. I ſpeak not this to take any thing out of your hands, but to ſhew the reaſon why I have not hitherto puniſhed thoſe inſolent ſpeeches againſt myſelf; and now I hope you will be as tender of my honour, when time ſhall ſerve, as I have been ſenſible of yours."

THOSE hints which Charles threw out of having taken order for the puniſhing ſome inſolent ſpeeches, referred to the impriſonment of Sir John Elliot and Sir Dudly Diggs, who, immediately after cloſing the charge againſt Buckingham, had been beckoned out of the conference-chamber, and ſent to the Tower.

* Charles, by theſe inſinuations, endeavoured to perſuade the Lords that their intereſt was connected with Buckingham's cauſe.

† This glaring impropriety of the king's carriage, in owning himſelf thus egregiouſly managed by his favourite, with the ſubſequent teſtimony of his partiality, in offering himſelf as an evidence to clear Buckingham, after the having offered himſelf as an evidence to accuſe Briſtol, are two ſtrong inſtances of that weakneſs and paſſion which influenced the conduct of this monarch.

THE

THE Commons did not abate of their diligence in the Ann. 1626. proſecution of Buckingham; Sir Nathaniel Rich was ſent up with a meſſage to the Lords to move them to commit this great offender to ſafe cuſtody: But this paſſive aſſembly permitted Buckingham to remain at liberty*, who now flung off all moderation, and threw out a kind of defiance on the malice, as he termed it, of the lower houſe.

THE Commons were ſo offended at the impriſonment Ruſhworth, vol. I. p. 358, & ſeq. of their two members, that a kind of ſullen ſilence, proceeding from deep reſentment, for ſome time poſſeſſed the houſe, till Sir Dudley Carleton, a ſervant of the miniſtry, who had been long in office, and was at this time highly patronized by Buckingham, miſtaking this appearance for the ſymptom of an univerſal diſmay, began a florid metaphorical ſpeech, in which he endeavoured to bring the houſe to ſubmit to the will of the court: The houſe he compared to a ſhip, their meſſages to the ſands; the commitment to the ſands which the ſhip did ſtick on, and the compaſs to the table where the book of orders did lie; he deſired them to

* It will be difficult to reconcile this conduct of the Lords to that hatred which the antient nobility had of this minion, who had long maintained an inſolent ſuperiority over them; and whoſe accumulation of honours was in a manner uſurped from the whole body. But to the influence that the crown had over this aſſembly, Buckingham, by the means of his extenſive power, had formed a ſtrong party of the new, and ſome of the old nobility dependant upon himſelf. This the houſe ſeem to be ſenſible of; for, finding that he was deputed procurator to thirteen peers, whoſe votes on any occaſion he had power to make uſe of, they made an order that after this ſeſſions no lord ſhould be capable of receiving above two proxies.

examine

Ann. 1625. examine ſtrictly into the orders, whether the impriſoned members did not exceed their commiſſion; if they did, to let them ſuffer for their preſumption; and this was the courſe, he ſaid, that would bring the ſhip from the rocks: "I beſeech you, gentlemen, added he, move not his majeſty with trenching upon his prerogative, leſt you bring him out of love with parliaments. You have heard his majeſty's often meſſages to you, to put you forward in a courſe that would be moſt convenient; in thoſe meſſages he told you, that if there were not correſpondency between him and you, he ſhould be enforced to uſe new councils. Now I pray you conſider what theſe new councils are and may be: I fear to declare thoſe that I conceive. In all Chriſtian kingdoms you know that parliaments were in uſe antiently, by which their kingdoms were governed in a moſt flouriſhing manner, until the monarchs began to know their own ſtrength; and ſeeing the turbulent ſpirit of their parliaments, at length they began to ſtand upon their prerogatives, and at laſt overthrew the parliaments throughout Chriſtendom, except here only with us. And indeed you would count it a great miſery if you knew the ſubject in foreign countries as well as myſelf, to ſee them look not like our nation, with ſtore of fleſh on their backs, but like ſo many ghoſts, and not men, being nothing but ſkin and bone, with ſome thin cover to their nakedneſs, and wearing only wooden ſhoes on their feet, ſo that they cannot eat meat, or wear good cloaths, but they muſt pay and be taxed to the king for it. This is a miſery beyond expreſſion, and that which we are yet free from; let us be careful then to preſerve the king's good opinion of parliaments, which bringeth

bringeth this happineſs to the nation, and makes us en- Ann. 1626.
vied of all others while there is this ſweetneſs between his majeſty and the Commons."

THIS ſpeech was no ſooner uttered than the members cried out, "To the bar! to the bar!" and it was with ſome difficulty that Sir Dudley's friends could prevent his being brought upon his knees; though he afterwards aſſumed courage to make another oration, in which he groſly fell upon Sir John Elliot and Sir Dudley Diggs, and ſhewed the king's reaſons for their impriſonment; Sir John Elliot for having ſpoken with great tartneſs againſt Buckingham, and treated him with the bare appellation of *this and that man*, and for ſpeaking doubtfully of the return of the Engliſh ſhips lent to France *; Sir Dudley Diggs for having been accuſed with ſaying, upon the ſubject of the plaiſter applied to James, "That he would therein ſpare the honour of the preſent king."

THE unconſtitutional language uttered from Sir Dudley Carleton would undoubtedly have met with a ſeverer cenſure from the Commons, if the recent act of violence committed by the court had not agitated them too much to take an examplary notice of the offenſive, though contemptible bravado. They came to three reſolutions on the queſtion of the impriſonment: Firſt, to proceed in no buſineſs till they were righted in their privileges: Secondly, to turn themſelves into a grand

* The return of theſe ſhips was not known to Sir John Elliot at the time of the conference.

Ann. 1626. committee, to conſider of the beſt means to effect it: And, thirdly, that none ſhould leave the committee without aſking leave. The following proteſtation, taken by all the members of the houſe, was the reſult of their

Proteſtation of the Commons.

debate: "I proteſt before Almighty God, and this houſe of parliament, that I never gave conſent that Sir Dudley Diggs ſhould ſpeak theſe words that he is now charged withal, or any words to that effect; and I have not affirmed to any that he did ſpeak ſuch words, or any to that effect." This matter had been much debated in the upper houſe: The duke of Buckingham had affirmed there, that words ſo far trenching on the king's honour, that they were interpreted treaſonable, had been ſpoken in the late conference by Sir Dudley Diggs *. This occaſioned a voluntary proteſtation of thirty-ſix lords, that Sir Dudley Diggs did not ſpeak any thing at the conference which did or might trench on the king's honour.

CHARLES now found that he had acted in conſequence of a falſe repreſentation, and was not a little aſhamed of his precipitation: He reſtored both the members to their liberty †, and ſent the Commons word

* The Lord Holland, a profeſſed creature of Buckingham, was the only peer that ſided with him in this accuſation.

† Sir Dudley Diggs was firſt enlarged, and the Commons informed that Sir John Elliot was detained for matters extra-judicial to that houſe. Of this word extra-judicial the Commons deſired an explanation; which being refuſed, they voted an adjournment for a day: This adjournment ſhewing Charles that they were determined to have full ſatisfaction, he gave way to the releaſe of Sir John Elliot. In the caſe of the impriſonment of theſe members the judges had given their opinion that that reſtraint was an arreſt of the whole body of the

that he was fully ſatisfied that Sir Dudley Diggs had Ann. 1626. not ſpoken the words with which he had been charged. Sir Dudley Diggs proteſted the like on his return to the houſe; and Sir John Elliot made an elegant ſenſible ſpeech in anſwer to the virulent accuſation of Carleton, in which he defended what he had ſaid at the conference. It was then reſolved on the queſtion, that neither Sir John Elliot, Sir Dudley Diggs, nor the other members, had exceeded the commiſſion given them in the management of the impeachment.

SIR Dudley Carleton was rewarded with a peerage for the ſpeech he had lately made againſt the conduct of the two managers. To the Commons he had fully explained the meaning of new councils, and by this explanation had proved to them the neceſſity they lay under of exerting their utmoſt efforts to limit a power which had avowed projects to deſtroy the bulwark of the conſtitution, and level the ſtate of the ſubject to abſolute ſlavery.

WHILST Buckingham's proſecution was yet depending, the chancellorſhip of the univerſity of Cambridge became vacant by the death of the earl of Suffolk: The univerſity paid a moſt acceptable compliment to majeſty, by electing Buckingham their chancellor at the time that he lay under the heavy cenſure of the houſe of Commons *. That reſpectable power thought them-

Buckingham elected chancellor of Cambridge.

the Commons, no reaſon being given to that houſe for it. *Saunderſon's Hiſt. of Charles I.* fol. ed. 1658, p. 45.

* Though the court made great intereſt to obtain this election for Buckingham, he carried it but by five voices. The king wrote the following

Ann. 1626. ſelves groſly affronted by ſuch a proceeding, and were on the point of ſending a letter to the univerſity, to ſignify their diſpleaſure, and to require them to ſend proper perſons to inform them of the manner in which the election was carried. Charles interfered, and after ſome meſſages had paſſed on this occaſion between him and the Commons, they dropped the affair.

THE Lords at length ſeemed to have caught ſomething of the ſpirit which had actuated the members of the lower houſe during this whole ſeſſions. After having entered into all the deſigns of the miniſtry in regard to the intended military operations; after having ſhewed their zeal for this buſineſs by repreſenting to the Commons the immediate neceſſity for haſtening the

following letter to the univerſity, on the ſubject of their compliance:

"Truſty and well-beloved, we greet you well;

"Whereas upon our pleaſure, intimated unto you by the biſhop of Durham, for the choice of your chancellor, you have with much duty, as we expected, highly ſatisfied us in your election; we cannot in our princely nature (who are much poſſeſſed with this teſtimony of your ready and loyal affections) but for ever let you know how much you are therein made partakers of our royal approbation; and as we ſhall ever conceive that an honour done to a perſon we favour is out of a loyal reſpect had unto ourſelf, and as we ſhall ever juſtify Buckingham worthy of this your election, ſo ſhall you find the fruits of it. For that we have found him a faithful ſervant to our dear father of bleſſed memory, and ourſelf, cannot but undertake that he will prove ſuch a one to you, and will aſſiſt him with a gracious willingneſs in any thing that may concern the good of the univerſity in general, or the particular merits of any ſtudent there." *Franklyn's Annals*, 1681, p. 185, *& ſeq.*

ſupply;

ſupply *; after a tame acquieſcence with all the irregular proceedings of the crown, the infringement of their privileges by the reſtraints laid on Briſtol and the biſhop of Lincoln; they were now animated into a kind of contention by the impriſonment of the earl of Arundel, who was ſent to the Tower on ſuſpicion of having been conſenting to a ſtolen marriage between the earl of Maletravers, his eldeſt ſon, and the duke of Lenox's ſiſter †. On the ſearching of precedents, they found but one of a peer's being committed whilſt the parliament was ſitting, without a previous trial of the Lords in parliament. This occaſioned a petition, in which they informed Charles that they found it to be their undoubted privilege that no lord of parliament, the parliament ſitting, or within the uſual times of privilege of parliament, ſhould be reſtrained, without ſentence or order of the houſe, unleſs for treaſon, felony, or for refuſing to give ſurety for the peace. Receiving no anſwer to this, they ſent up a ſecond petition for a gracious and a preſent anſwer. The king took up the term *preſent* in a very high manner, and ſent the Lords word that when he received a meſſage fit to come from them to their ſovereign, they ſhould receive an anſwer.

Ann. 1626.

Lords' petition on the earl of Arundel's confinement.

* The earl of Pembroke, lord chamberlain, in a conference between the two houſes, preſſed the neceſſity of a ſupply. The Lords, on the king's requeſt, appointed a committee to conſider of the ſafety of the kingdom; and the report of the committee was, that one fleet be preſently ſent to ſea againſt the king of Spain; that another be ſent to defend our own coaſts and merchants from pirates; and that conſideration be had of maintaining the armies under the king of Denmark and count Mansfeldt.

† Some ſuſpicions which Buckingham had entertained againſt the earl of Arundel was the true cauſe of his confinement. *Guthrie.*

The

Ann. 1626. The Lords had the condeſcenſion to ſend another petition with the word *preſent* left out: But this not meeting with a ſatisfactory anſwer, on the Commons having obtained the releaſe of their members, a fourth petition was ſent up on the ſubject of the enlargement of the earl of Arundel. The Lords in this petition obſerved, that the Commons had ſpeedily obtained the ſame kind of favour, which had been as yet denied to their repeated ſolicitations. Charles replied, that he had things of great importance againſt the earl of Arundel, which it would much prejudice his affairs to make known; that as ſoon as poſſible they ſhould be informed of the cauſe, which was ſuch that he was certain they would not conſtrue his confinement to be a breach of their privileges. The Lords continuing to receive evaſive anſwers, without either obtaining the enlargement of their member, or the knowlege of his crime, came to a reſolution to adjourn till they were righted in their privileges. This reſolution produced the immediate deliverance of the earl of Arundel.

BESIDES this exertion, the Lords had ſent up a petition, repreſenting their diſguſt at Engliſh commoners being dignified with Scotch and Iriſh titles, and that the Engliſh noblemen, poſſeſſing real privileges, ſhould be obliged to give place to nominal titles of ſuperior claſs. Theſe important trifles had occaſioned a like application in the laſt reign, and with the ſame ſucceſs, Charles promiſing in general to take order for a regulation.

Buckingham's plea. THE duke of Buckingham now gave in his plea to the

the impeachment made againſt him by the Commons: Ann. 1626. His anſwer to the ſeveral articles were ſpecious, though little ſatisfactory; ſome of them he denied, others he endeavoured to vindicate, pleading example, the inclination and the commands of the ſovereign; to the article of accumulating honours and wealth upon his family, the natural bonds of duty and affection. As this cauſe never came to a trial, it is impoſſible to give an explicit determination on thoſe points which were abſolutely denied by the party accuſed *.

AT this time the Commons ſent up a petition on the non-performance of the king's promiſe to the parliament at Oxford, to remove from all places of authority ſuch perſons as were convicted or ſuſpected of popery. A liſt of eighty-eight, now employed in places of truſt, was inſerted in the body of the petition. Charles, enraged at this reproof, and impatient at the endleſs delays of what he termed the neceſſities of the ſtate, wrote a letter to the ſpeaker, in which he requires him to ſignify to the houſe that he expected the bill of ſubſidies to be brought in forthwith, without delay or condition; if not it would force him to take other reſolutions. To this threatening meſſage the Commons returned a ſpirited anſwer, accompanying it with a petition for the removal of the duke of Buckingham from acceſs to the royal preſence. The arguments they made uſe of to perſuade the king to this condeſcenſion are remarkably

Parliam. Hiſt. vol. VII. p. 286.

The Commons' petition againſt Buckingham.

* At this time the lord Conway made his reply to the articles alleged againſt him by Briſtol: His anſwer was an evaſive one, and too immaterial to be inſerted in this hiſtory.

reſpectful

Ann. 1626. reſpectful and affectionate: "Your majeſty, ſay they, hath been pleaſed to give many royal teſtimonies and arguments to the world how good and gracious a maſter you are; but the relation by which your majeſty ſtands towards your people do far tranſcend and are more prevalent and binding than any relation of a maſter towards a ſervant; and to hear and ſatisfy the juſt and neceſſary deſires of your people is more honourable than any expreſſions of grace to a ſervant. To be a maſter of a ſervant is communicable to many of your ſubjects; to be a king of a people is regal, and incommunicable to ſubjects."

THIS petition determined Charles to a ſudden diſſolution of the parliament. The Commons haſtened to draw up a remonſtrance againſt the duke of Buckingham, as the prime grievance of the ſtate; againſt the impriſonment of their members, contrary to the privilege of the houſe; and the illegal taking of tonnage and poundage, without conſent of parliament. This laſt they repreſented as the effect of new councils, ſo often threatened by his majeſty, and explained by one of their own members *.

THE revenue of tonnage and poundage had been ſometimes ſettled on the ſovereign during life; ſometimes it had been limited, and renewed from period to period, as a kind of memorial that the repreſentatives of the people preſerved the power of conſent to this as to other taxes. The exorbitant impoſitions on merchan-

* Sir Dudley Carleton.

dize

dize during the two preceding reigns, a grievance which Ann. 1626. had been frequently and fruitleſsly complained of by the lower houſe, with ſome oppreſſive ones laid on by Charles, obliged the Commons to retain this check on the rapacious exactions of the crown, and a bill of tonnage and poundage, limited to a year, was brought in the firſt ſeſſions of his firſt parliament: The Lords refuſed to paſs the bill with this limitation, and Charles continued to exact tonnage and poundage, without being authorized by the legal conſent of Lords and Commons.

THE Commons were preparing a bill againſt this proceeding; but hearing that they were ſuddenly to be diſſolved, they haſtily drew up their remonſtrance and declaration, and every member, by an order of the houſe, was to have a copy of it delivered to him. When the king's intention to diſſolve the parliament was made known to the Lords, they ſent a very preſſing, though ineffectual petition, to diſſuade him from this precipitate meaſure. The king returned anſwer to the Lords that came to interceed for a longer ſitting, that he would not defer his reſolution, no, not a minute. A commiſſion was immediately ſent down to put an end to the parliament, and the ſame day the earl of Arundel was confined to his houſe, and the earl of Briſtol to the Tower. Sanderſon's Life of Charles, p. 58.

CHARLES publiſhed a declaration, ſetting forth the cauſes for aſſembling and diſſolving the two laſt parliaments. The whole of it is a narration of the frequent and fruitleſs demands he had made for a ſupply,

Ann. 1626. with many reproaches on the Commons for their determined inflexibility, and many impotent attempts to juſtify his own intemperate proceedings, and to blacken the conduct of the lower houſe *. The well-known facts, and rational principles, ſtrongly urged in their remonſtrance, were unanſwered. This ſpirited performance directed the people to make a proper comment on the king's reaſons for diſſolving the two parliaments: That of Oxford to preclude from the next the leading popular members; and this laſt through fear of the ill ſucceſs which might attend the favourite on the determination of his impeachment. After having repreſented the tyrannical proceedings of the crown, and the duke of Buckingham as the prime cauſe of all grievances, it concludes with this pathetic addreſs to the king: "Give us then leave, moſt dear ſovereign, in the name of all the Commons, proſtrate at the feet of your ſacred majeſty, moſt humbly to beſeech you, even for the honour of Almighty God, whoſe religion is directly undermined by the practice of that party which the duke ſupports; for your honour, which will be much advanced in the relieving of your people in this their great and general grievance; for the honour, ſafety, and welfare of your kingdom, which by this means is threatened with almoſt unavoidable dangers; and for the love which your majeſty, as a good and loving father, bears unto your good people (by whom, we profeſs in the preſence of

Parliam. Hiſt. vol. VII. p. 318, & ſeq.

* The declaration has this remarkable exordium, that the king was prompted by his inclination to juſtify his conduct to his ſubjects, but that he did not think himſelf bound to give an account of his royal actions to any but to God, who had committed to his charge theſe realms and dominions. *Parliam. Hiſt.* vol. VII. p. 300.

Almighty

Almighty God, the ſearcher of all hearts, you are as highly eſteemed and beloved as ever any of your predeceſſors were) that you would be graciouſly pleaſed to remove this perſon from acceſs to your ſacred preſence; and that you would not balance this one man with all theſe things, and with the affairs of the Chriſtian world, which do all ſuffer ſo far as they have relation to this kingdom, chiefly by his means. For we proteſt to your majeſty, and to the whole world, that until this great perſon be removed from intermeddling with the great affairs of ſtate, we are out of hope of any good ſucceſs; and do fear that any money we ſhall or can give, will, through his miſ-employment, be turned rather to the hurt and prejudice of this your kingdom, than otherwiſe, as by lamentable experience we have found in thoſe large ſupplies formerly and lately given. But no ſooner ſhall we receive redreſs and relief in this (which of all others is our moſt inſupportable grievance), but we ſhall forthwith proceed to accompliſh your majeſty's own deſire for ſupply; and likewiſe with all chearfulneſs apply ourſelves to the perfecting of divers other great things, ſuch as we think no one parliament in one age can parallel, tending to the ſtability, wealth, ſtrength, and honour of this your kingdom, and the ſupport of your friends and allies abroad: And we doubt not but, through God's bleſſing, as you are the beſt, ſo you ſhall be the beſt-beloved and greateſt monarch that ever ſat on the royal throne of this famous kingdom."

Ann. 1626.

CHAP. II.

Violent meaſures of the court.——War with France.——Expedition to the Iſle of Rhe.——Diſtreſſed ſtate of the Rochellers.——Third parliament.——Petition of right.——Prorogation of the parliament.

Ann. 1626. CHARLES and the Commons had parted with all the marks of diſſatisfaction, diſtruſt, and animoſity, that could be decently or ſafely expreſſed by either party. This buſy parliament was prematurely diſſolved, before one public meaſure had been determined, or one ſtatute enacted; and this at a criſis when the king's foreign engagements, and the more intereſting concerns of perſonal honour, rendered the diſſolution of the parliament a meaſure liable to conſtructions of the moſt infamous nature; at a period when filial piety, and a juſt regard for honeſt fame, exacted a ſtrict enquiry into the criminal accuſation of poiſon, ſtrongly hinted at in one of the articles of Buckingham's impeachment. But ſo great was the fond infatuation of this imprudent prince, that, to reſcue his favourite from the iſſue of a legal trial, he plunged into inextricable difficulties, and incurred the odium of being an accomplice with a man whoſe actions could not ſtand the teſt of examination. Irreparable was the wound that this precipitate ſtep gave to Charles's reputation; and, to ſubject it ſtill more to ſuſpicion, a kind of mock proceſs was carried on in the ſtar-chamber againſt Buckingham, for high offences and miſdemeanors, and in particular for having

ing adminiſtered medicines to the late king. The ridi- Ann. 1626.
culouſneſs of this expedient was heightened by the affair's being dropt before it came to a judicial hearing.

AT the ſame time that the king publiſhed his declaration, a proclamation was iſſued for ſuppreſſing the remonſtrance of the Commons. This act of power was conſidered by the public in a light that did little honour to the royal cauſe.

RESOLUTELY as the houſe of Commons had withſtood the haughty demands of the king, it is very apparent that had he been prevailed on to drop his unpopular attachment, and to retract his arbitrary meſſages and ſpeeches, their grants would have been liberal. After the impeachment was ſettled, they had added a fourth ſubſidy to the three already voted, and were drawing a bill of tonnage and poundage, when the king's laſt peremptory letter gave an entire change to their debates, and produced that petition againſt Buckingham which occaſioned the haſty diſſolution of the parliament.

CHARLES's cabinet-council was compoſed of men who owed the whole advancement of their fortune to the favourite: Laud, now biſhop of Bath and Wells; Neil, biſhop of Wincheſter; Conway, the ſecretary of ſtate; and Weſton, the lord-treaſurer; men of weak heads and bigoted principles; who, beſides their attachment to a deſperate miniſter, were, from their particular prejudices, violently bent to oppoſe the temper of the times; yet, deſtitute of thoſe miniſterial arts that cajole into acquieſcence

Ann. 1626. acquieſcence the eaſy multitude; force was the only expedient which miniſters of ſuch limited capacities could practiſe to render the people obedient, under the preſent unpopular ſyſtem of government. Buckingham, ever averſe to moderate counſels, was now rendered furious by the treatment he had received from the Commons. Charles, with the diſadvantages of inexperience, a peculiar obſtinacy of temper, and a blind attachment to his favourite, had conceived an ineffable contempt for popular privileges, with the moſt exalted notions of ſublime authority in princes: Conceſſions he looked upon as derogations to the honour of a king, and oppoſition in ſubjects as ſuch a flagrant breach of divine and moral laws, that it called down from Heaven a ſure and heavy vengeance on the aggreſſor. The Deity he regarded as in a manner bound to defend the ſacred cauſe of majeſty. Theſe opinions were corroborated by the fulſome doctrine which was continually broached by the eccleſiaſtical paraſites that ſurrounded him. Such being the prejudices of this infatuated monarch, he was carried with the utmoſt facility into meaſures that had never been practiſed but by the weakeſt and the moſt indiſcreet of his predeceſſors; meaſures which had almoſt always been attended with perſonal deſtruction.

Whitlock, p. 7, & ſeq.

THE threat which Charles had made to the Commons of new counſels was now put in execution: The privy council, compoſed of ſervile dependants on Buckingham, made no difficulty to reſolve that the king might continue to take duties upon goods and merchandize, in the ſame manner as they had been levied in the late reign. On this reſolution a proclamation was iſſued, com-

commanding the ſubject to ſubmit to this tax, under the penalty of impriſonment. A commiſſion was openly granted to the archbiſhop of York and others to compound with recuſants, and treat for a diſpenſation of the penal laws enacted againſt them. A loan of 100,000 l. having been refuſed by the city of London, that city and all the maritime towns were required to provide a certain number of armed veſſels, to conſtitute a fleet. For the legality of this demand, Noy, a once popular lawyer, but now corrupted by the promiſe of court-preferment, had rummaged up ſeveral obſelete precedents, taken from the moſt tyrannical times; precedents in ſome meaſure warranted by immediate neceſſity, but which could with no propriety be adapted to the preſent circumſtances. Not only the city of London, which was rated at twenty ſhips, but the deputy-lieutenants and juſtices of the peace of Dorſetſhire, remonſtrated againſt the impoſition. They were ſharply reproved by the council, and told, that ſtate-occaſions and the defence of the kingdom, in times of extraordinary danger, were not to be guided by ordinary precedents; that the precedents of former times were obedience, not direction, and that precedents were not wanting for the puniſhment of thoſe that diſobeyed his majeſty's command, ſignified by that board. Theſe threats terrified the parties into immediate ſubmiſſion. Several inhabitants of the maritime towns, to exempt themſelves from the impoſition, had withdrawn to inland places; but they were all commanded to return to their former ſettlements. A benevolence was demanded from all ranks of people. To prevent the danger of a vigorous oppoſition to theſe exactions, commiſſions were given to

Ann. 1626.

Ruſhworth, p. 416.

Ann. 1626. the lords lieutenants of the ſeveral counties to muſter the ſubjects able to bear arms, and array them in martial order, fit to lead out againſt public enemies, rebels, traitors, and their adherents, within the counties of their lieutenancy; to repreſs, ſlay, and ſubdue them; and to execute martial law, ſparing and putting to death according to diſcretion.

To deceive the public into a belief that theſe formidable proceedings were neceſſary to ſecure the ſafety of the realm, general faſts were proclaimed, and the following reaſon ſpecified; namely, "To divert the judgments of God, threatening this land with a powerful invaſion." The engine religion was here introduced in vain; the pretence was too ſhallow to impoſe even on the moſt ignorant: It was no ſecret to the public that though Charles had raſhly and wantonly provoked the Spaniard by an ill-conducted attack on Cadiz, yet that monarch had given no ground to ſuſpect that he intended to revenge, by a ſimilar enterprize, the impotent attempt; and England had not yet incurred the reſentment of any other naval power.

Rapin, vol. X. p. 108.

AMONG the many expedients practiſed by the miniſtry to raiſe money, the crown-lands were granted to be holden in fee-farm; a meaſure ruinous to the future intereſt of the ſovereign. But this conſideration had no weight with Charles; he had projected ſchemes to deſtroy the right of *meum & tuum* throughout the land, and to ſubject the whole property of the ſubject to the diſpoſal of the crown.

THE

THE meaſures the government had yet uſed did not produce a ſupply adequate to the demands of the monarch. Benevolence-money came in very ſlowly, and the whole nation ſhewed ſuch a reluctance to comply with the arbitrary tax, that the miniſtry were obliged to practiſe compulſive methods to enforce obedience. Ann. 1626.

AN important battle which was at this time fought in Germany, between the king of Denmark and the Imperialiſts, put an end, for a time, to the diſputes on the continent. The emperor had raiſed three armies to oppoſe three diviſions of the allied forces, under the king of Denmark, count Mansfeldt, and Chriſtian duke of Brunſwick. Two of them were commanded by the able generals, Tilly and Wallenſtein. Mansfeldt was defeated by Wallenſtein, and his army almoſt all cut to pieces. The loſs to the allies was irreparable, by the death of Mansfeldt, and that of the duke of Brunſwick, which ſoon followed this event. The king of Denmark, the only remaining commander, was afterwards attacked by Tilly, and obliged to retire, with the loſs of ſix thouſand men *, and all his cannon and baggage. 28th Auguſt.

WHEN the news of this diſaſter arrived in England, the miniſtry redoubled their efforts to get money: A loan was exacted to the full proportion of the four ſubſidies and three fifteenths voted laſt parliament. The Ruſhworth, vol. I. p. 418, & ſeq.

* Three thouſand were killed, and three thouſand taken priſoners. Six thouſand foot ſoldiers, in the ſervice of the States, were remanded, and ſent to join the king of Denmark, beſides thirteen hundred foot, which were ſent from England. *Ruſhworth*, vol. I. p. 421.

Ann. 1626. nobility and officers of the crown were recommended to ſet an example of obedience, and to repair to their ſeveral counties, to promote that diſpoſition in others. On this occaſion Sir Randolph Crew, a very worthy magiſtrate, not ſhewing a zeal for the buſineſs, was diſmiſſed from his office of lord chief juſtice, and Sir Nicholas Hyde, a lawyer of a tried compliant conduct, ſucceeded in his room. He had rendered himſelf peculiarly meritorious by the pains he had taken in drawing Buckingham's anſwer to his impeachment. Theſe following inſtructions, among divers others, were given to the commiſſioners appointed to levy the loan:

"THAT they treat apart with every one of thoſe that are to lend, and not in the preſence or hearing of any other, unleſs they ſee cauſe to the contrary; and if any ſhall refuſe to lend, and ſhall make delays and excuſes, that they examine ſuch perſons upon oath whether they have been dealt withal to refuſe to lend, or make an excuſe for not lending? who hath dealt ſo with them? and what ſpeeches he or they have uſed tending to that purpoſe? and that they ſhall alſo charge every ſuch perſon, in his majeſty's name, upon his allegiance, not to diſcloſe to any other what his anſwer was:

"THAT they endeavour to diſcover whether any, publickly or underhand, be workers or perſuaders of others to diſſent from this courſe, or hinder the good diſpoſition of others; and that, as much as they may, they hinder all diſcourſe about it; and certify to the privy council in writing the names, qualities, and dwelling-places of all ſuch refractory perſons, with all ſpeed, and eſpecially

eſpecially if they ſhall diſcover any combination or con- Ann. 1626.
federacy againſt theſe proceedings."

So vain an attempt to ſecrecy, with the mixture of craft and tyranny found in theſe inſtructions, expoſed to the public as well the weakneſs as the villainy of their governors. Many knights and gentlemen that refuſed to give their money on theſe arbitrary mandates were put under confinement in counties remote from their abodes. The priſons all over the kingdom were full of illuſtrious ſufferers. Sir John Elliot, confined in the Gatehouſe, ſent up a well-framed petition to the king for his liberty: He ſhewed the illegality of his commitment, grounding his requeſt on ſeveral ſtatutes which he cited, and by which he demonſtrated that the king could not make arbitrary exactions on his ſubjects, nor could the ſubjects lawfully ſubmit to them *. The five following gentlemen, Sir Thomas Darnel, Sir John Corbet, Sir Walter Earl, Sir John Hevingham, and Sir Edmund Hambden, reſolutely ſtood the reſentment of the miniſtry; and at their own expence defended, by a legal proceſs, the liberties of their country.

THE queſtion whether a ſubject could be confined by Ruſhworth.
the ſpecial command of the king, without aſſigning the cauſe, was brought to a trial before the King's Bench. The council for the priſoners were, Noy, Selden, Bramſton, and Colthorp. Theſe made it appear that, by the charter of king John, and ſix ſeveral ſtatutes, no man

* The Roman catholics were all extremely forward to comply with this illegal tax.

Ann. 1626. could be juſtly impriſoned, either by the king or council, without a legal proceſs, and that the cauſe of the commitment ought to be expreſſed in the return, that the judges might be enabled to determine whether it was a lawful one. Notwithſtanding theſe unqueſtionable authorities, Sir Nicholas Hyde gave it as the reſolution of the court, that the king's ſpecial order for the commitment was a ſufficient cauſe to make the matter of the return good *, and that on theſe premiſes the priſoners muſt be remanded back †. The proſtitution of juſtice in this caſe was apparent to the whole nation, and the unanſwerable precedents and arguments ‡ which

* The other judges at this time on the bench were Dodderidge, Jones, and Whitelock.

† Heath, the attorney-general, preſſed the court to enter a general judgment that no bail could be granted upon a commitment by the king or council. The judges refuſing to go thus far, the ſame Heath, attorney-general, that it might ſtand upon record that any ſubject committed by ſuch abſolute command might be detained in priſon for ever, gave a poſitive direction to the clerk of this court to make a ſpecial entry of a draught of the judgment. The parliament meeting ſoon after, Heath thought proper to withdraw the draught from the clerk's hand. On this occaſion Sir Edward Coke made the following obſervation in the Commons' houſe: "I fear, ſays he, were it not for this parliament, that followed ſo ſoon after the form of judgment was drawn up, there would have been hard putting to have had it entered; but a parliament bringeth judges, officers, and all men into good order." *Parliam. Hiſt.* vol. VII. p. 385, *& ſeq.*

‡ The principal arguments urged by the lawyers were thoſe that follow:

Ephemeris Parliamentaria, 1654, p. 112, & ſeq.

"The writ of Habeas Corpus, ſaid ſerjeant Brampſton, is the only means the ſubject hath to obtain his liberty; and the end of this writ is to return the cauſe of the impriſonment, that it may be examined in this court whether the parties ought to be diſcharged or not; but that cannot be done upon this return, for the cauſe of the impriſonment

had been urged by the fore-mentioned able lawyers on Ann. 1626.

ment of this gentleman, at firſt, is ſo far from appearing particularly by it, that there is no cauſe at all expreſſed in it.

"This writ requires that the cauſe of the impriſonment ſhould be returned; and if the cauſe be not ſpecially certified by it, yet ſhould it at the leaſt be ſhewn in general, that it may appear to the judges of the court; and it muſt be expreſſed ſo far, as that it may appear to be none of thoſe cauſes for which, by the law of the kingdom, the ſubject ought not to be impriſoned; and it ought to be expreſſed that it was by preſentment or indictment, and not upon petition or ſuggeſtion made to the king and lords, which is againſt the ſtatute made in 25 Ed. III. c. iv. 42 Ed. III. c. iii.

"By the ſtatute 25 Ed. III. c. iv. it is ordained and eſtabliſhed, that no man from henceforth ſhall be taken by petition or ſuggeſtion made to the king and lords, but by indictment or courſe of law, and accordingly it was enacted, 42 Ed. III. c. iii. the title of which ſtatute is, None ſhall be put to anſwer an accuſation made to the king, without preſentment. I beſeech your lordſhip to obſerve the conſequence of this cauſe: If the law be, that upon this return this gentleman ſhould be remanded, I will not diſpute whether or no a man may be impriſoned before he be convicted according to the law; but if this return ſhall be good, then his impriſonment ſhall not continue for a time, but for ever, and the ſubjects of this kingdom may be reſtrained of their liberties perpetually, and by law there can be no remedy for the ſubject; and therefore this return cannot ſtand with the laws of the realm, or that of Magna Charta, nor with the ſtatute of 28 Ed. III. c. iii. for if a man be not bailable upon this return, they cannot have the benefit of theſe two laws, which are the inheritance of the ſubject. If your lordſhip ſhall think this to be a ſufficient cauſe, then it goeth to a perpetual impriſonment of the ſubject; for in all thoſe cauſes which may concern the king's ſubjects, and are applicable to all times and caſes, we are not to reflect upon the preſent time and government, where juſtice and mercy floweth, but we are to look what may betide us in the time to come."

"I will be bold, ſaid Mr. Noy, to inform your lordſhip, touching the ſtatute of Magna Charta, c. xxix. *Nullus liber homo capiatur, vel impriſonetur, &c. nec ſuper eum mittimus niſi per legale judicium parium ſuorum, vel per legem terræ.*

"That

Ann. 1626. the ſide of freedom, opened the eyes of the public to

" That in theſe ſtatutes theſe words, *in carcerem*, are omitted out of the printed books, for it ſhould be *nec eum in carcerem mittimus*. For theſe words, *per legem terræ*, what *lex terræ* ſhould be I will not take upon me to expound, otherwiſe than I find them to be expounded by acts of parliament; and this is, that they are underſtood to be the proceſs of the law, ſometimes by writ, ſometimes by attachment of the perſon; but whether *ſpeciale mandatum domini regis* be intended by that or no, I leave it to your lordſhip's expoſition, upon two petitions of the Commons, and anſwer of the king, in 36 Ed. III. n. 9, n. 20.

" In the firſt of them the Commons complain that the Great Charter, the Charter of the Foreſt, and other ſtatutes, were broken, and they deſire that, for the good of himſelf and his people, they might be kept and put in execution, and that they might not be infringed by making arreſt by ſpecial command or otherwiſe. And the anſwer was, that the aſſent of the lords eſtabliſhed and ordained that the ſaid charter and other ſtatutes ſhould be put in execution, according to the petition, and that is without any diſturbance by arreſt, by ſpecial command, or otherwiſe, for it was granted as it was petitioned. In the ſame year, for they were very careful of this matter, and it was neceſſary it ſhould be ſo, for it was then an uſual thing to take men *quibuſdam de cauſis*, and many of theſe words cauſed many acts of parliament, and it may be ſome of theſe writs may be ſhewn; and, I ſay, in the ſame year, they complained that men were impriſoned by ſpecial command, and without indictment, or legal courſe of law; and they deſired that that thing might not be done upon men by ſpecial command, againſt the Great Charter.

" The king makes anſwer, that he is well pleaſed therewith; that was the firſt anſwer: And for the future he hath added further, If any man be grieved let him complain, and right ſhall be done unto him. This, my lord, is an explanation of the Great Charter, as alſo the ſtatute of 37 Ed. III. c. xviii. is a commentary upon it, that men ſhould not be committed upon ſuggeſtion made to the king, without due proofs of law againſt them; and ſo it is enacted twice in one year. Huſſey, chief juſtice, ſaith, that Sir John Markam told king Edward IV. that he could not arreſt a man upon ſuſpicion of felony or treaſon, as any of his ſubjects might; becauſe if he ſhould wrong a man by ſuch arreſt the parties could have no remedy againſt him."

" Now,

the knowlege of their juſt rights, and the violation thoſe Ann. 1626.

" Now, my lord, ſaid Mr. Selden, I will ſpeak a word or two to the matter of the return, and that is touching the impriſonment *per ſpeciale mandatum domini regis*, by the lords of the council, without any cauſe expreſſed; and admitting of any or either of both theſe to be the return, I think, by the conſtant and ſettled laws of this kingdom, without which we have nothing, no man can be juſtly impriſoned by either of them, without a cauſe of the commitment expreſſed in the return. My lord, in both the laſt arguments the ſtatutes have been mentioned and fully expreſſed, yet I will add a little to what hath been ſaid. The ſtatute of Magna Charta, c. xxix. that ſtatute, if it were fully executed, as it ought to be, every man would enjoy his liberty better than he doth. The law ſaith expreſly, No man ſhall be impriſoned without due proceſs of the law, out of the very body of this act of parliament. Beſides the explanation of other ſtatutes, it appears, *Nullus liber homo capiatur, vel impriſonetur, niſi per legem terræ*. My lord, I know theſe words, *legem terræ*, do leave the queſtion where it was, if the interpretation of the ſtatute were not. But I think, under your lordſhip's favour, there it muſt be intended by due courſe of law, to be either by preſentment or indictment.

" My lord, if the meaning of theſe words, *per legem terræ*, were but as we uſe to ſay, according to the laws, which leaves the matter very uncertain, and *per ſpeciale mandatum*, &c. be within the meaning of theſe words, according to the law, then this act had done nothing. The act is, no freeman ſhall be impriſoned but by the law of the land; if you will underſtand theſe words, *per legem terræ*, in the firſt ſenſe, this ſtatute will extend to villains, as well as to freemen; for if I impriſon another man's villain, the villain may have an action of falſe impriſonment. But the lords and the king, for then they both had villains, might impriſon them, and the villain could have no remedy. But theſe words in the ſtatute, *per legem terræ*, were to the freemen, which ought not to be impriſoned but by due proceſs of law; and unleſs the interpretation ſhall be this, the freeman ſhall have no privilege above the villain. So that I conceive, my lord, theſe words, *per legem terræ*, muſt be here ſo interpreted as in the 42 Eliz. The bill is worth the obſerving; it reciteth that divers perſons, without any writ or preſentment, were caſt into priſon, &c. that it might be enacted that it ſhould not be done hereafter, the anſwer

there

Ann. 1626. rights had ſuffered by an uninterrupted ſeries of illegal exertions of power.

there is, that this is an article of the Great Charter; this ſhould be granted. So that it ſeems the ſtatute is not taken to be an explanation of that of Magna Charta, but the very words of the ſtatute of Magna Charta."

" As concerning the matter of the return, ſaid Mr. Calthrop, it will reſt upon theſe parts: Firſt, whether the return be that he is detained in priſon by the ſpecial commandment of our lord the king, be good or not, without ſhewing the nature of the commandment, or the cauſe whereupon the commitment is grounded in the return. The ſecond is, whether the time of the firſt commitment by the commandment of the king, not appearing to the court, is ſufficient to detain him in priſon. Thirdly, whether the impriſonment of the ſubjects, without cauſe ſhewed, but only by the commandment of the king, be warrantable by the laws and ſtatutes of this realm. As unto the firſt part, I find by the books of our law that commandments of the king are of ſeveral natures; by ſome of which the impriſonment of a man's body is utterly unlawful; and by others of them, although the impriſonment may be lawful, yet the continuance of him without bail or mainprize will be utterly unlawful. There is a verbal command of the king's, which is by word of mouth of the king only, and ſuch commandment by the king, by the books of our law, will not be ſufficient either to impriſon a man, or to continue him in priſon. Secondly, there is a commandment of the king by his commiſſion, which, according unto Calvin's caſe in the ſeventh report, it is called by him *breve mandatum non remidiabile*; and by virtue of ſuch a commandment the king may neither ſeize the goods of his ſubject, nor impriſon his body, as it is reſolved in 42 Aſſ. pl. 5. where it is agreed by all the juſtices, that a commiſſion to take a man's goods, or impriſon his body, without indictment or ſuit of the party, or other due proceſs, is againſt the law. Thirdly, there is a commandment of the king which is grounded upon a ſuggeſtion made to the king or to his council; and if a man be committed to priſon by ſuch a ſuggeſtion by commandment of the king, it is unlawful, and not warranted by the law of the realm. The 25 Ed. III. c. iv. *de proviſoribus*, whereas it is contained in the Great Charter of the franchiſes of England, that none ſhall be impriſoned or arreſted of

IMPRISONMENT was not the only puniſhment made uſe of to awe the diſcontented nation: Soldiers were Ann. 1626. Ruſhworth, vol. I. p. 419, & ſeq.

of his freehold or of his franchiſes, nor of his free cuſtoms, but by the law of the land.

" It is awarded, conſented, and eſtabliſhed, that from henceforth none ſhall be taken by petition or ſuggeſtion made to our ſovereign lord the king, or to his council, until it be by indictment or preſentment of his good and lawful neighbours where ſuch deeds are done, in due manner, or by proceſs, made by writ original at the common law; nor of his freehold, unleſs he be duly brought in, and anſwer, and fore-judged of the ſame by way of law; and if any thing be done againſt the ſame it ſhall be redreſſed and holden for nought.

" 37 Ed. III. c. x. Although it be contained in the Great Charter, that no man be taken or impriſoned, or put out of his freehold, without due proceſs of the law, nevertheleſs divers perſons make falſe ſuggeſtions to the king himſelf, as well for malice as otherwiſe, whereof the king is often grieved, and divers of the realm put in great damages, contrary to the form of the ſame ſtatute:

" Wherefore it is ordained, that all they that make ſuch ſuggeſtions be ſent, with their ſuggeſtions, to the chancellor or treaſurer, and they and every of them find ſureties to purſue their ſuggeſtions; and endure the ſame pain that the other ſhould have had, if in caſe that his ſuggeſtion be found untrue; and that then proceſs of the law be made againſt them: without being taken or impriſoned, againſt the form of the ſame charter, and other ſtatutes.

" So that it appears by theſe ſeveral ſtatutes, that ſuch commandments of the king as are grounded upon ſuggeſtion, either made to himſelf or to his council, for the impriſonment of a man, are againſt the law.

" Fourthly, I find that there is a commandment of the king which is made under his hand with his ſignet; for in the fourth and the fifth of Philip and Mary, Dier. 162, where the ſtatute of 1 Rich. II. c. xi. reſtraineth the warden of the Fleet for letting any man at large that is in upon judgment at the ſuit of any man, except it be by writ or other commandment of the king, it was doubted whether the queen, by letter under her hand and privy ſignet, doth give commandment to the warden of the Fleet to ſuffer a man that is there in execution to go about his buſineſs, or the affairs of the queen, whe-

Ann. 1626. billeted on all thoſe of ſubſtance who had given by their words or actions any offence to the government. The poorer ſort were preſſed into the fleet and army *. Sir

ther this be a warrantable command or not within the ſtatute. And the law hath always been conceived upon that book that ſuch a commandment is not warrantable by law; and if ſuch a command will not ſerve the turn to give unto a man his liberty, which the law favoureth, and had the countenance of an act of parliament for doing it, then I conceive it ſhould be a more ſtrong caſe, the king ſhould not have power by his commandment to impriſon a man without due proceſs of the law, and reſtrain him of his liberty, when there had been ſo many acts of parliament made for the liberty of the ſubjects. Fifthly, I do find that there is the commandment of the king, which is by his writ under the great ſeal, or the ſeal of the court out of which it iſſueth, Regiſt. f. 69 & 70. In the writ *de cautione admittendâ* I find the words, *mandatum regis*, expounded to be *breve regis*, for the writ goeth *rex vic' ſalutem*, &c. Stamf. 72, 5 E. III. c. viii. 1 E. III. c. iii. ix. ſaith, that every Capias in a perſonal action is a commandment of the king, for it is *præcipimus tibi quod capias*, &c. and yet the defendant, as there it is ſaid, is repleviſable by the common law. Sixthly, I do find by our books of law, and by the regiſter, that this ſpecial *mandatum domini regis* is expounded to be his writ, and that the law taketh no notice of any other *ſpeciale mandatum* than by this writ; the which being ſo when the return is made, that he is impriſoned and detained in priſon by the ſpecial commandment of the king, how can the court adjudge upon this return, that Sir John Corbet ought to be kept in priſon, and not to be bailed, when the nature of the ſpecial commandment is not ſet forth in the return, whereby it may appear unto the court that he is not bailable."

Mr. Calthrop finiſhed this long diſcourſe with quoting many ſtatutes, and the authority of precedents, to prove that the ſpecial command of the king, without ſhewing the nature of the command, was an illegal form of commitment; and that on a return of *ſpeciale mandatum domini regis*, without other cauſe ſhewed for impriſonment, Sir John Corbet ought to obtain his liberty.

* Such was the oppoſition to theſe illegal exactions, that though ſome of the poorer ſort were offered to have their money returned if they

Peter Hayman was diſpatched on a frivolous errand into Ann. 1626.
the Palatinate. Glanville, an eminent lawyer, but obnoxious to the crown, had been forced, during the former interval of parliament, to accept of an office which had obliged him to go on the expedition to Cadiz, to the great detriment of his fortune. Martial law was enacted; the lives of the ſoldiers put in the power of their officers. The cognizance of offences taken out of the proper courts, and judicial deciſions rendered arbitrary in matters of life and death. Notwithſtanding a power ſo incompatible with the civil privileges of the nation, the ſoldiers broke out into great diſorders. Robberies, rapes, cruelties, murders, frequently committed, filled up the meaſure of miſery under which the nation groaned. That the people might learn to kiſs the rod of power with devotion, and, becoming ſlaves by principle, reverence the yoke, prieſts were inſtructed to teach ſpeculative deſpotiſm, and graft on religious affections ſyſtems of civil tyranny. The following paſſages are in two ſermons that Manwaring, a court-chaplain, preached before Charles: "That the king is not bound to obſerve the laws of the realm concerning the ſubjects' rights and liberties; but that his royal will and command in impoſing loans and taxes, without common conſent in parliament, doth oblige the ſubjects' conſcience, upon pain of eternal damnation: That thoſe who refuſed to pay the required loan offended againſt the law of God, and the king's ſupreme authority, and became guilty of impiety, diſloyalty, and rebellion:

they would ſubſcribe, they abſolutely refuſed, and ſuffered themſelves to be preſſed into the ſea-ſervice rather than comply.

Ann. 1626. That the authority of parliament is not neceſſary for the raiſing of aids and ſubſidies; and that the ſlow proceedings of ſuch great aſſemblies are not fitted for the ſupply of the ſtate's urgent neceſſities, but would rather produce ſundry impediments to the juſt deſigns of princes." At the ſame time Sibthorp, an officious time-ſerving eccleſiaſtic, publiſhed a ſermon he had preached at Northampton, entitled, " Apoſtolic obedience." It breathes a higher ſtrain than thoſe of Manwaring; viz. " That the prince who is the head makes his court and council; it is his duty to direct and make laws; he doth whatſoever pleaſes him, and who may ſay unto him, What doſt thou? If princes command any thing which ſubjects may not perform, becauſe it is againſt the laws of God, or of nature, or impoſſible, yet ſubjects are bound to undergo the puniſhment, without either reſiſtance or railing or reviling, and ſo to yield a paſſive obedience where they cannot exhibit an active one; and I know no other caſe, ſaid the preacher, but one of thoſe three wherein a ſubject may excuſe himſelf with paſſive obedience; in all others he is bound to active obedience *."

CHARLES had the imprudence not only openly to patronize ſuch infamous doctrines, but gave his ſubjects to underſtand, that his pretenſions were as alarming as the irrational aſſertions advanced by theſe ſycophants. Archbiſhop Abbot, that humane and popular prelate,

* Biſhop Laud was employed to draw up certain inſtructions relative to the loan. Theſe inſtructions were ſent to the two archbiſhops to be diſperſed among the inferior clergy, and publiſhed in all the pariſhes of the realm. *Compleat Hiſt.* ed. 1706. vol. III. p. 33, *& ſeq.*

was ſequeſtered from his juriſdiction, and confined to Ann. 1626. one of his houſes in Kent, without other ground of complaint but the refuſing to licence Sibthorp's ſermon. Williams, the late keeper, did not eſcape the cenſure of the party: An information was ſent up againſt him to the lords of the council for encouraging puritans. Laud's reſtleſs jealouſy of this man haunted him in his ſleep *.

WHILST England carried the face of a conquered province; whilſt the liberties and properties of the ſubject lay proſtrate at the mercy of a raſh imperious monarch, a rapacious inſolent miniſter, and a deſigning bigoted prieſt †; whilſt priſons were daily filling with patriots; great preparations were making for foreign hoſtilities.

HAD Charles made uſe of the money which he had tyrannically extorted from his ſubjects to ſupport the king of Denmark, who had been enticed into the German quarrel by his importunities and promiſes, he would in this point have anſwered the expectations of the public; but, to the aſtoniſhment of all men, a ſquadron which had been ſent to lie in the mouth of

* It is tranſmitted from his own authority, that at this time he was made uneaſy by a dream that repreſented the biſhop of Lincoln brought to him in chains; but that he returned freed from them; that he leaped upon a horſe, departed, and he could not overtake him. *Laud's Diary in Prynne's Breviate of his Life*, fol. ed. 1644, p. 4.

† This was Laud, whoſe furious principles had ſo ingratiated him with the king and his miniſter that he directed all the eccleſiaſtical affairs, and no one was preferred in the church but by his recommendation. *Coke*, vol. I. p. 187, *& ſeq.*

Ann. 1626. the Elbe, to prevent the Spaniards furniſhing themſelves with materials for ſhipping from that country, was recalled, and the paſſage by the Sound to the king of Denmark's dominions left undefended. A reſolution was haſtily taken to break with France. Charles, at
Hume. the time he was embroiled with his own ſubjects, and thus deprived of the counſels of all the wiſe and virtuous in his kingdom; worſted in all his warlike attempts; unſupplied with any treaſure, but what he attained by the moſt exaſperating meaſures; before he had accommodated matters with the houſe of Auſtria, wantonly attacked the next great power in Europe. If we trace the incentives to this extravagantly imprudent ſtep, we ſhall find them all center in the levity of the impetuous Buckingham; a man who fate had deſtined to be the bane of his two patrons, and in whom we ſee a ſtriking example of that ill judgment which commonly directs the favour of princes.

THE ſplendor which ſurrounded Buckingham at the time that he was diſpatched to France to conduct Henrietta Maria into England did not a little dazzle a court uncommonly apt to be affected with empty appearances. This, and the importance of his employment, had occaſioned his reception to be more than ordinary magnificent, gracious, and friendly. In the midſt of thoſe ſcenes of gaiety, pleaſure, and diſſipation, which this occaſion produced, ſome favourable glances inſpired him with the hopes of entering into an amorous intrigue with no leſs conſpicuous a perſonage than Ann of Auſtria, the young queen of France; whom report avers to have been extremely taken with the gaudy appearance

ance and familiar manners of the Engliſh favourite; Ann. 1626.
the progreſs of whoſe amour, during his abode at Paris, was diſappointed by the watchful Richlieu: But Buckingham, with a temerity peculiar to himſelf, on a ſlight pretence left Henrietta Maria at Bouloign, and returned to Amiens, where he had a ſecret interview with the French queen, who had accompanied her ſiſter-in-law thus far on her journey. This coming to Lewis's ear, the queen's domeſtics were diſmiſſed, and that monarch entertained a high reſentment againſt Buckingham on the unparalleled inſolence of his conduct. When he was making, on a frivolous pretence, preparations for another embaſſy to Paris, he received a meſſage from Lewis, that he muſt lay aſide the deſign of ſuch a journey. On the receipt of this meſſage he romantically ſwore, that he would ſee the French queen in ſpite of all the power of France; and from that moment endeavoured to make a rupture between the two monarchs..

HE was ſoon ſupplied with pretences to forward ſuch a diſpoſition; Charles had been uſed extremely ill by the French court on ſeveral occaſions. It was with great difficulty that he had obtained the reſtoration of his ſhips, even after they had performed the ſtipulated ſervice at Rochelle. Though Lewis had given him great hopes that he would enter heartily into the alliance againſt the Auſtrian family, yet this was no farther proſecuted than was neceſſary to make an advantageous treaty with the court of Spain. Charles's reſentment of theſe provocations was much heightened by the treatment he had met with from his own queen, who had carried herſelf with an unſupportable inſolence of behaviour

Ann. 1626. haviour from the firſt of their union; a period of time when this princeſs had not arrived to more than ſixteen years of age. She had an admired perſon, and a vivacity that gave her a quickneſs in repartee which was generally miſtaken for the ſuperior endowment of underſtanding. The vanity which theſe ſuperficial qualifications excite in a young female mind was in her much heightened by circumſtances ariſing from her particular ſituation. The vaſt conceſſions which Charles had made for a wife muſt naturally inſpire a high idea of ſelf-importance in the deſtined bride; and ſuch was the general opinion in the French court of the vaſt influence which this princeſs would have on the future conduct of her huſband and father-in-law, that on theſe grounds father Berulle aſſured the pope, "That the propoſed marriage would be not only for the benefit of the Engliſh catholics, but of all the catholics in Chriſtendom; that there was nothing to be hazarded in madame, ſeeing that ſhe was as firm in the faith and in piety as he could deſire. On the contrary, he had great cauſe to hope that ſhe, being dearly beloved of the king, who was already well enough diſpoſed to be a catholic, and of the prince of Wales, ſhe might by ſo much the more contribute to their converſion, as women have wonderful power over their huſbands and fathers-in-law, when love has given them the aſcendant over their ſpirits; that madame was ſo zealous in religion that there was no doubt but ſhe would employ in this pious deſign all that depended upon her induſtry; and that if God ſhould not bleſs her intentions in the perſons of king James, and of the prince of Wales, it was apparent that their children would be the reſtorers of the faith

faith which their anceſtors had deſtroyed, ſeeing ſhe would have the charge to educate them in the belief, and in the exerciſes of the catholic religion, till the age of thirteen years." Ann. 1627.

It is eaſy to imagine what muſt be the effect which inſtructions and inſinuations like theſe muſt have on a young, vain, and bigotted mind; and what muſt be the conduct produced from a conjunction of inexperience, vanity, and enthuſiaſm. The inſolent airs which this young queen aſſumed to her huſband, diſputing with him on all points, aſſerting that he had no right to meddle or preſume to give advice on the nomination of her domeſtics, or the ordering her houſhold; the performing a ridiculous penance * to Tyburn, which had been enjoined her by her prieſts, there to pay devotion to the martyrs who had ſuffered in the popiſh cauſe: theſe, and the continual altercations occaſioned by the petulance and abſurd pretenſions of her French attendants, obliged Charles to diſmiſs them from their miſtreſs's ſervice, and ſend them out of his dominions.

It was ſome time before this period that domeſtic diſputes had aroſe to ſuch a height between this pair, *arisen* that Henrietta had earneſtly deſired leave to return to Paris, there to reſide for ſome time: This requeſt had been granted her by the intereſt of Buckingham, but on the condition of his attending her. When this condition was made known to the court of France it produced that denial from Lewis which has been reported

* This penance was performed barefooted.

Ann. 1627. above; and the enraged and diſappointed Buckingham found it eaſy to inſpire with the ſame paſſions the facile diſpoſition of his maſter, already chagrined with conjugal diſcord, and with the many provocations which he had received from his brother-in-law the French king.

War with France. A TRIPLE alliance was formed by the king of England, the duke of Savoy (who had been left expoſed to the Spaniard, through the perfidious conduct of the French miniſtry), and the duc de Rohan, the head of the Hugonot party in France. This alliance had been effected by means of the duc de Soubize, brother to the duc de Rohan, and the abbot de Scaglia, ambaſſador from the duke of Savoy. They had both reſided for ſome time in England, and had been highly careſſed by Buckingham, with a view to his deſigns on France. According to a concerted plan between the Engliſh court and the duke de Rohan, on the twenty-ſeventh of June, Buckingham, with a fleet of an hundred ſail, ſet out for Rochelle. To his great ſurprize, on his arrival at this place he found the gates ſhut againſt him: The deſign had been determined without the approbation, or even the knowlege of the Rochellers. This people could not readily conſtrue in an advantageous ſenſe the unexpected arrival of the forces of a monarch who had ſo lately lent aſſiſtance for the purpoſe of their deſtruction. To the duke de Soubiſe, who was ſent by Buckingham to aſſure them of the good intentions of Charles, and to demand admittance to his troops, they gave this civil denial: "That being in ſtrict union with all the proteſtants in the kingdom, they could not receive into the city the offered ſuccours, without the conſent

Rapin.

conſet of the whole body of the Hugonots." On this refuſal from the Rochellers, Buckingham directed his courſe to the iſle of Rhe, contrary to the advice of Soubize, who recommended a deſcent upon Oleron, this iſland being ill ſupplied with troops, and the forts not provided for a ſiege. Ann. 1627. Attempt on the iſle of Rhe.

THE whole conduct of Buckingham's attempt upon the iſle of Rhe was ſuch a ſeries of unaccountable blunders, that ſome authors have attributed it to the influence of ſome flattering propoſals conveyed to him by the French queen. Whichever of theſe might be the cauſe of his proceedings, ignorance or treachery, the management of this buſineſs reflects eternal diſhonour both on Buckingham and his maſter: On the one for executing a plan of this conſequence in a raſh abſurd manner; and on the other for truſting an important command to a mere courtier, raw and inexperienced in the exerciſes of war, and ignorant of all the rudiments of military ſcience.

THE Engliſh made good their landing at the iſle of Rhe*, notwithſtanding a ſtout oppoſition from the French commander, Thoyras, at the head of three thouſand foot and two hundred horſe. Buckingham was adviſed by Soubize to improve the panic of the French, and at- Compleat Hiſtory of England. Guthrie. Ruſhworth.

* Lewis's refuſing admittance to Mansfeldt's army is mentioned in the declaration of war publiſhed on the occaſion of theſe hoſtilities againſt France. To aſſign this refuſal as one of the reaſons for the preſent invaſion was highly abſurd, ſince the union between France and England, in the marriage of Charles and Henrietta, ſucceeded this affront.

Ann. 1627. tack the citadel of St. Martin. This good counſel was diſregarded, and Buckingham loſt five days in fortifying himſelf, and making preparations to attack the fort in the moſt regular manner. At length he laid ſiege to St. Martin's, but neglected to take a ſmall fort lying upon the ſhore, named La Prie. When the army made their attack on St. Martin's, Buckingham ſent ſuch ſanguine aſſurances to Charles, that a proclamation was prematurely iſſued for encouraging the Engliſh to tranſport themſelves and their families to the iſle of Rhe; but the progreſs of this conqueſt advanced very ſlowly, or rather was at a ſtand. Thoyras refuſed to ſurrender, and Buckingham, after ſeveral fruitleſs attacks, was obliged to turn the ſiege into a blockade: He received a recruit from Ireland of ſixteen hundred men; five hundred from the Rochellers, who, by the perſuaſion of Soubize, had now declared for the Engliſh; and Charles, according to direction, prepared a large reinforcement from England. The French had by this time recovered from the ſurprize which the unexpected deſcent of the Engliſh had occaſioned them, and contrived to throw in proviſions to the citadel of St. Martin. Buckingham might have rendered ſuch ſupplies ineffectual by making himſelf maſter of a well, from whence the inhabitants drew all their water; but this was neglected, and the enemy ſuffered to ſecure themſelves in the poſſeſſion of it.

THE length of time ſpent in the ſiege had given the French full opportunity to collect, by the aſſiſtance of the Spaniards, ſo large a naval force that their fleet exceeded, in number of ſhips, that of the Engliſh. By the

the means of this fleet, and the advantage which the poſſeſſion of fort La Prie gave them, they landed ſo large a body of forces that Buckingham began to think of a retreat. When this reſolution was made known to Soubize, he ſtrongly repreſented to him the diſtreſſes which ſuch an abandonment would bring upon the French proteſtants in general, and particularly upon the Rochellers; who, on the faith of England, had at length declared for the allies, and thus had drawn upon themſelves the ſevere reſentment of their monarch. The duke de Rohan and himſelf, preſuming on an effectual aſſiſtance from England, had been ſo active that they were declared public traitors. The duke de Rohan * was condemned to be torn in pieces by four horſes, and 50,000 crowns ſet upon his head. Theſe preſſing circumſtances were all urged in vain: Buckingham was tired of his ſituation, and determined to return to England, though he daily expected a large reinforcement from thence, under the command of his friend the earl of Holland. But before this reſolve was put in execution, he made a vain attempt to take the citadel by ſtorm: After having loſt many men in the adventure he began his march to the water-ſide. Fort La Prie being in the poſſeſſion of the enemy, there was no paſſage open but by a narrow cauſeway, which had on each ſide of it deep ditches and ſalt-pits. Buckingham had neglected the erecting a fort at the entry on the cauſeway

Ann. 1627.

The Engliſh retreat from the iſle of Rhe.

* According to a plan agreed on between the allies, at the time that Buckingham invaded France, he had made an inſurrection in Rouvergn, and acted there with great ſucceſs. He had had great offers of money and honours from the French king, to tempt him not to join the Engliſh.

to

Ann. 1627. to ſecure his retreat; and no ſooner had the Engliſh entered the narrow way, than, in this diſadvantageous ſituation, they were attacked by their enemies, who made great ſlaughter among them; the courage of the Engliſh troops preſerved them from a general rout; the French retreated in their turn, and Buckingham, with his remaining forces, gained the fleet, and returned home with the loſs of upwards of four thouſand men out of ſeven thouſand he had carried out with him. This diſgraceful diſaſter brought a heavy additional load of public odium on the already univerſally deteſted miniſter. He was received by his fond maſter with as great acknowledgment for ſuppoſed ſervices as if he had brought home the trophies of an important victory *.

CHARLES kindly attributed the cauſe of his favourite's ill ſucceſs to the want of a ſeaſonable ſupply; and the earl of Holland, who was juſt ſetting out from Plymouth when Buckingham returned, was, among others, accuſed of dilatorineſs in his proceedings. Buckingham's arrival was followed by deputies from the Rochellers, who earneſtly ſolicited Charles for the performance of promiſes which had been made them on his part; promiſes on the faith of which they had been prevailed on to take up arms, but were now left ex-

* On the inſtant that Buckingham's arrival was made known to Charles, he ſent him conſolatory letters on the occaſion of his diſgrace, conjuring him, by the ſacred ties of friendſhip, not to make the diſaſter irrecoverable, by afflicting himſelf for the faults of others. During the progreſs of his operations at the iſle of Rhe, Charles had ſent him many compliments on the report of his military exploits. *MSS. in Br. Muſeum*, n. 6988. fol. 3.

poſed

poſed to the reſentment of their furious bigotted mo- Ann. 1627.
narch, who, happily furniſhed with a pretext and an opportunity to ruin them, had beſet their town both by land and ſea. Their circumſtances were deſperate, by reaſon that they were in immediate danger of famine from the ill management of Buckingham, who had diſappointed them of large proviſions of corn which they had been promiſed from England. The diſcontents Guthrie.
of the Engliſh, with the juſt complaints of the wretched Rochellers, made a general outcry againſt Buckingham, and the preſent ſyſtem of government. The mariners came in tumultuous crowds to Whitehall, demanding their pay with great earneſtneſs. The enemy appeared in triumph, entered the harbours, and inſulted the Engliſh on their own coaſts. Many ſhips had been taken in a few years, and the merchants were diſcouraged from building, becauſe they were preſſed into the king's ſervice, and not paid.

THE univerſal voice of the people, which earneſtly demanded a parliament, Charles's neceſſities, and the preſent critical ſituation of affairs, occaſioned a general council to be called to conſult on this point. Sir Robert Cotton, in a long and laboured ſpeech, made it appear that the only remedy for the growing evils of the times, was to acquieſce with the deſire of the people, and call a parliament; that this was the only way by which a ſufficient ſupply could be timely raiſed for the urgent neceſſities of the ſtate. This ſtrong repreſentation, with ſome flattering aſſurances at the cloſe of his ſpeech, that Buckingham might regain his popularity if the public could be perſuaded into a belief that he was

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Ann. 1627. the firſt mover in council to call a parliament, had ſo much weight with the miniſtry that writs were iſſued out for that aſſembly to meet the ſeventeenth of March following. Previous to this meeting, warrants were ſent to all parts to releaſe the priſoners who had been confined on account of the loan. The number of them, all people of faſhion or fortune, amounted to ſeventy-eight *. Theſe, gentlemen of tried reſolution, were many of them choſen members of the enſuing parliament; the people fixing their hopes of redreſs on patriots whoſe ſufferings for the public cauſe had given flattering aſſurances of an uncorruptible integrity. Beſides this order for a general releaſe, the court thought proper to ſend writs of ſummons to the diſgraced peers: Abbot, Arundel, Briſtol, and the biſhop of Lincoln, were all permitted, according to their right, to attend in parliament. Thus far Charles aſſorted his conduct to the ſatisfaction of the public; but fearing that Buck-

January 29. Parliament called.

Priſoners releaſed.

* A liſt of the priſoners that were ſet at liberty by this order of the court:

Sir John Strangeways, Sir Tho. Grantham, Sir Will. Armyn, Sir Will. Maſſam, Sir. Will. Wilmore, Sir Eraſmus Draiton, Sir Edw. Aiſcough, Sir Nath. Bernardiſton, Sir Ro. Poyntz, Sir Beachum St. John, Sir Oliver Luke, Sir Maurice Berkley, Sir Tho. Wentworth, Sir John Wray, Sir W. Conſtable, Sir John Hotham, Sir John Pickering, Sir Fra. Barrington, Sir Will. Chauncey, Sir Walter Earl, Sir Tho. Darnel, Sir Harbottle Grimſton, Sir John Corbet, Sir John Elliot, Sir John Hevingham, knights; W. Anderſon, Terringham Norwood, John Trigonwell, Tho. Godfrey, Rich. Knightly, Tho. Nicholas, John Hampden, Geo. Ratcliff, John Dutton, Henry Poll, Nath. Conwell, Rob. Hatly, Tho. Elmes, John Stevens, W. Coriton, Geo. Cateſby, eſquires; Tho. Wood, John Wilkinſon, W. Allan, Tho. Holyhead, gentlemen. Thirty-three Londoners. *Ruſhworth*, vol. I. P. 473.

ingham

ingham, notwithſtanding the hopes given by Sir Robert Cotton, would ſtill continue the object of parliamentary proſecution, he determined to ſhew that aſſembly that he was reſolutely bent to ſupport his favourite, and not to relinquiſh any of the authority he had aſſumed to make diſcretionary levies on the ſubjects. At the very time that writs were iſſued to ſummon a parliament, the privy council were conſulting on methods to raiſe an arbitrary and heavy tax, by way of exciſe; and at the ſame time 30,000 l. were ſent over into the Low Countries to Sir William Balfour and colonel Dalbier, for the raiſing of one thouſand horſe, and 70,000 l. for arms for horſe and foot. The levying of a certain ſum on all the counties of England, for the building of ſhips, was at this time under conſideration, that an independant conſtant unlimited revenue might, by this means, be raiſed for the uſe of the crown *.

Ann. 1627.

Ruſhworth, P. 474.

* Juſt before the meeting of the parliament, a ſociety of jeſuits were taken at Clerkenwell. Among their papers was found a letter written to their father-rector at Bruſſels. The ſubſtance of this letter is the hopes that the body entertained on the preſent ſituation of affairs in England. The foundation of their hopes was in the Arminians, who affected mutation; that the catholics encouraged them in their ſchemes of making the king independant, and freeing him of his ward, the parliament; that they had ſhewed the means how to ſettle the exciſe; that it was to be done by a mercenary army of Germans: "In farming the exciſe, ſays this letter, the country is moſt likely to riſe; if the mercenary army ſubjugate the country, then the ſoldiers and projectors ſhall be paid out of the confiſcations; if the country be too hard for the ſoldiers, then they muſt conſequently mutiny; which is equally advantageous to us. Our ſuperlative deſign is to work the proteſtants, as well as the catholics, to welcome a conqueror. *Ruſhworth. Ephemeris Parliamentaria.*

Ann. 1627. AMONG all the abſurd meaſures that hitherto had been taken by Charles and his miniſtry, not one of them is more ſtriking than this of giving ſo general an alarm on the eve of a parliament; at a time when, under the protection of their repreſentatives, the nation could make a more regular and legal oppoſition to the oppreſſive practices of the crown; at ſuch a time to advance pretences which, if brought into practice, muſt alter the whole ſyſtem of the government, and eſtabliſh a regular tyranny, is a madneſs that carries with it the appearance of the infatuation of enthuſiaſtic zeal, rather than the common incongruity of miniſterial councils: But Charles looked on theſe formidable preparations as ſo many precautions againſt the conſequences of an enraged parliament; and ſuch an open declaration of a determined purpoſe to maintain the authority he had aſſumed, as the moſt certain check on the councils of that aſſembly, which would rather wink at oppreſſions that might be temporary, and comply with all the demands of their ſovereign, than, by driving him to extremities, riſk not only the reality, but the appearance of freedom.

Parliament. THESE being the politics of the miniſtry, Charles, in his ſpeech at the opening of the ſeſſions, inſtead of attempting to ſoften the Commons by ſoothing words and fair promiſes, flung out this threat: "Every man, ſays he, now muſt do according to his conſcience; wherefore if you, as God forbid! ſhould not do your duties in contributing what the ſtate at this time needs, I muſt, in diſcharge of my conſcience, uſe thoſe other means which God hath put into my hands, to ſave that

Parliam. Hiſt. vol. VII. p. 339, & ſeq.

that which the follies of ſome particular men may otherwiſe hazard to loſe." What muſt have been the feelings of this aſſembly, many individuals of which, united to the ſenſe of public injury, had in their own perſons ſuffered from the injuſtice of the crown? what muſt have been its feelings to hear Charles, inſtead of offering conceſſions to repair the notorious breach he had made in the conſtitution; inſtead of endeavouring to bury the memory of paſt offences in oblivion; to hear him attempt to eſtabliſh, as a fundamental principle in the government, that God had put into his hands other means to impoſe taxes than by parliament? Undoubtedly at the utterance of theſe expreſſions a lively ſenſe of public danger fired the imagination of every patriot in the houſe; whilſt the bitter ſenſe of paſt, and dread of future ſufferings, warmed the indignation of leſs exalted characters. Ann. 1627.

IF we reflect on the outrages committed by the government in the intermediate ſpace between the concluſion of the laſt, and the beginning of the preſent parliament; with the extreme folly with which the public meaſures were conducted, to the infamy, loſs, and even danger of the nation; if we recollect the manly reſentment which the leading members of the laſt parliament ſhewed at offences far leſs grievous than the ſufferings of the preſent time,—members all nominated in this, and bearing the ſame influence; their patriotic warmth excited by an accumulation of reiterated evils; with this provoking inſtance of the wrong-headed inflexibility of their monarch: If we reflect on all theſe circumſtances, we ſhall be wrapt in wonder at the capa-

Ann. 1627. city of the men who guided the councils of this aſſembly, who, enraged by ſuch injurious wrongs, and ſuch provoking inſults, could form and execute a plan of operations in which forbearance and decorum of expreſſion and action were as neceſſary as vigour, ability, and reſolution.

When Charles had ended his ſpeech, the lord-keeper, after having made a tedious harangue on the ſituation of the European powers, the ambition of the houſe of Auſtria, the perfidy of the French court, and the danger to which England was expoſed from the conjunction of theſe formidable adverſaries, he repeated the ridiculous plea of the war's having been originally undertaken by advice of parliament; and added, "This way of parliamentary ſupplies, as his majeſty told you, he hath choſen, not as the only way, but as the fitteſt; not becauſe he is deſtitute of others, but becauſe it is more agreeable to the goodneſs of his own moſt gracious diſpoſition, and to the deſire and weal of his people. If this be deferred, neceſſity and the ſword of the enemy make way to the others. Remember his majeſty's admonition! I ſay, Remember it!" Notwithſtanding theſe repeated inſults, the Commons, after having preſented Sir John Finch, the queen's attorney, for their ſpeaker*,

* Sir John Finch, according to the manner of his predeceſſor, made a very miniſterial ſpeech: After having praiſed monarchy above every other conſtitution of government, he addreſſed the throne in the following ſtrain: "Kings, ſaid he, know no other tenor but God's ſervice, and their value is only tried at his beam; whence the poets ſaid, the parents of the firſt kings were *Cælum & Terra*, divine inſtitution and human approbation." The whole tenor of the diſcourſe was to ſhew

calmly ſettled their ſeveral committees for privileges and elections, for religion, for grievances, and trade. Having paſſed an order that all the members of the houſe ſhould receive the ſacrament, they drew up a petition to the king for a general faſt to be obſerved throughout the kingdom. Then they entered into conſideration of the late oppreſſions: The billetting of ſoldiers; raiſing of arbitrary taxes; the impriſonment of thoſe who refuſed to comply, and the refuſal of bail on an Habeas Corpus to certain gentlemen who demanded it. The debate on this ſubject was opened in the following manner by Sir Francis Seymour: "This is the great council of the kingdom; and here, if not here alone, his majeſty may ſee, as in a true glaſs, the eſtate of the kingdom. We are all called hither by his majeſty's writs, to give him faithful counſel, ſuch as may ſtand with his honour, but that we muſt do without flattery; and being choſen by the Commons to deliver up their juſt grievances, this we muſt do without fear. Let us not be like Cambyſes's judges; who, being aſked by him concerning ſomething unlawful, ſaid, though there were no written laws, the Perſian kings might do what they liſt. How can we expreſs our affections while we retain our fears, or ſpeak of giving till we know whether we have any thing to give? for if his majeſty may be perſuaded to take what he will, what need we to give? That this hath been done appeareth by the billetting of ſoldiers, and impriſonment of gentlemen for refuſal of the loan; who, if they had done the contrary

Ann. 1627.

Debates of the Commons.

Parliam. Hiſt. vol. VII. p. 361, & ſeq.

ſhew the expediency of union; viz. a parliamentary compliance with the king's meaſures. *Parliam. Hiſt.* vol. VII. p. 347, *& ſeq.*

Ann. 1627. for fear, their faults would have been as great as thoſe that were the projectors of it. To countenance theſe proceedings, hath it not been preached in the pulpit, or rather prated, All we have is the king's, *jure divino*. When preachers forſake their own calling, and turn ignorant ſtateſmen, we ſee how willing they are to change a good conſcience for a biſhopric."

Sir John Elliot, after having ſtrongly ſet forth the late grievances, ſeconded a motion which Sir Francis Seymour had made at the concluſion of his ſpeech for a committee on theſe particulars.

Ephemeris Parliamentaria, p. 28. "I have read, ſaid Sir Robert Philips, of a cuſtom amongſt the old Romans, that once every year they had a ſolemn feaſt for their ſlaves, at which they had liberty without exception to ſpeak what they would, thereby to eaſe their afflicted minds; which being finiſhed, they ſeverally returned to their former ſervitude. This may, with ſome reſemblance and diſtinction, well ſet forth our preſent ſtate; where, now after the revolution of ſome time, and grievous ſufferings of many violent oppreſſions, we have, as thoſe ſlaves had, a day of liberty of ſpeech; but ſhall not, I truſt, be hereafter ſlaves, for we are born free: Yet what new illegal proceeding our ſtates and perſons have ſuffered, my heart yearns to think, my tongue falters to utter; they have been well repreſented by divers worthy gentlemen before me. Yet one grievance, and the main one as I conceive, hath not been touched, which is our religion,—religion, Mr. Speaker, made vendible by commiſſion; and men, for pecuniary annual rates, diſpenſed withal; whereby papiſts

piſts may, without fear of law, practiſe idolatry. For Ann. 1627.
the oppreſſions under which we groan I draw them under two heads: Acts of power againſt law, and judgments of law againſt our liberties. Of the firſt ſort are, ſtrange inſtructions; violent exactions of money thereupon; impriſonment of the perſons of ſuch who (to deliver over to their poſterity the liberty they received from their forefathers, and lawfully were in poſſeſſion of) refuſed ſo to lend; and this aggravated by the remedileſs continuance and length thereof; and chiefly the ſtrange, vaſt, and unlimited power of our lieutenants and their deputies, in billeting of ſoldiers, in making rates, in granting warrants for taxes as their diſcretions ſhall guide them; and all this againſt the law. Theſe laſt are the moſt inſupportable burdens that at this preſent afflict our poor country, and the moſt cruel oppreſſion that ever yet the kingdom of England endured; theſe upſtart deputy-lieutenants (of whom, perhaps, in ſome caſes and times, there may be good uſe, being regulated by law) are the worſt of grievances, and the moſt forward and zealous executioners of theſe violent and unlawful courſes which have been commended unto them; of whoſe proceedings, and for the qualifying of whoſe unruly powers, it is more than time to conſult and determine *. Judgments of law

* Sir William Earl reported from the committee for examination of complaints againſt deputy-lieutenants, that Sir John Stoell, a deputy-lieutenant, having conceived diſpleaſure againſt the town of Taunton on the choice of their burgeſſes to ſerve in this parliament, made a removal of the ſoldiers billeted in that town, and fixed twelve men on the mayor and the recorder, and other principal citizens; who, being encouraged by authority, committed great riots and enormities. *Journals of the Commons*, vol. I. p. 886.

againſt

Ann. 1627. againſt our liberty there have been three, each latter ſtepping forwarder than the former upon the right of the ſubject; aiming in the end to tread and trample under foot all law, and that in the form of the law. The firſt was the judgment of the *poſtnati* *; whereby a nation which I heartily love for their ſingular good zeal in our religion, and their free ſpirits to preſerve liberty far beyond any of us, is made capable of the like favours, privileges, and immunities, as ourſelves enjoy. The ſecond was the judgment upon impoſitions in the Exchequer-court by the barons. The third was that fatal late judgment againſt the liberty of the ſubject impriſoned by the king, argued and pronounced but by one judge alone: I can live altho' another, who has no right, be put to live with me; nay, I can live altho' I pay exciſes and impoſitions more than I do; but to have my liberty, which is the ſoul of my life, taken from me by power, and to have my body pent up in a jail, without remedy by law, O improvident anceſtors! O unwiſe forefathers! to be ſo curious in providing for the quiet poſſeſſion of our laws, and the liberties of parliament, and to neglect our perſons and bodies, and to let them lie in priſon, and that *durante bene placito*, remedileſs. If this be law, why do we talk of liberties? why do we trouble ourſelves with a diſpute about law, franchiſes, property of goods, and the like? what may any man call his own, if not the liberty of his perſon?" This topic was further enforced in the following

* The judges, to flatter James, had declared, that by law the Scots born after his acceſſion were naturalized, and capable of all the privileges of an Engliſh ſubject.

manner

manner by Sir Thomas Wentworth: "They have taken Ann. 1627.
from us—what ſhall I ſay? indeed what have they left us? they have taken from us all means of ſupplying the king, and ingratiating ourſelves with him, by tearing up the roots of all property; which, if they be not ſeaſonably ſet in the ground by his majeſty's hand, we ſhall have, inſtead of beauty, baldneſs. By one and the ſame thing have the king and people been hurt, and by one muſt they be cured. To vindicate what? new things? no; our ancient, lawful, and vital liberties, by reinforcement of the ancient laws made by our anceſtors; by ſetting ſuch a ſtamp upon them as no licentious ſpirit ſhall dare hereafter to enter upon them."

"Will any give a ſubſidy, ſaid Sir Edward Coke *, if they are to be taxed after parliament at pleaſure? The king cannot lawfully tax any by way of loans: I differ from them who would have this of loan go amongſt other grievances, for I would have it go alone. I will begin with a noble record; it chears me to think of it; 26 Ed. III. it is worthy to be writ in letters of gold: "Loans againſt the will of the ſubject are againſt reaſon and the franchiſes of the land; and they deſire reſtitution." What a word is that franchiſe? the lord may tax his villain, high and low, but it is againſt the franchiſes of the land for freemen to be taxed, but by their conſent in parliament.

* Two counties, Buckinghamſhire and Suffolk, had returned Sir Edward Coke as one of their members to ſerve in this parliament. *Journals of the Commons*, vol. I. p. 876.

Ann. 1628. CHARLES, finding his threats had neither terrified the Commons into ſubmiſſion, nor provoked them into indecorum of ſpeech, thought fit, on the twenty-fifth of March, to ſend them a conciliating meſſage by ſecretary Cook, That he eſteemed the grievances of the houſe his own, and ſtood not on precedence in point of honour; he therefore deſired that the ſame committee which was appointed for grievances might, at the ſame time, take in hand the following propoſitions: To furniſh with men and victuals thirty ſhips to guard the narrow ſeas, and along the coaſt; to ſet out twenty other ſhips for the relief of the town of Rochelle, and for the preſervation of the Elbe, the Sound, and the Baltic ſea; to pay and ſupply twenty-ſix thouſand horſe and foot for foreign ſervice; to ſupply the forts of the office of ordnance, and the ſtores of the navy; to build twenty ſhips yearly for the increaſe of the navy; to repair the forts within the land; to pay the arrears of the office of ordnance, the victuallers office, and the treaſurer of the navy; to pay the arrears due for the freight of divers merchant-ſhips employed in his majeſty's ſervice; and to provide a magazine for victuals for land and ſea ſervice.

Ruſhworth, vol. I. p. 513, & ſeq.

ON this meſſage the houſe turned themſelves into a committee, to take into conſideration the liberty of the ſubject in his perſon and goods, and the ſupply of the king's neceſſities. On the ſubject of liberty of perſon, Mr. Creſkeld, a young lawyer, made a long, eloquent, and learned ſpeech: He proved that the common law of England guarded both the perſons and property of the ſubject

ſubject from the prerogative of the monarch. With the utmoſt accuracy and preciſion he ſtated both the rights of the king and ſubject, and ſhewed how illegally the judges had acted in remanding the gentlemen to priſon who were confined on account of the loan, and had brought their Habeas Corpus *. It was reſolved on the queſtion, that no freeman ought to be committed, detained in priſon, or otherwiſe reſtrained, by the command of the king, privy council, or any other, without ſome legal cauſe of the commitment, detainer, or reſtraint, be expreſſed; that the writ of Habeas Corpus may not be denied, but ought to be granted to every man that is committed, detained in priſon, or otherwiſe reſtrained, though it be by the command of the king, privy council, or any other; that if a freeman be committed or detained in priſon, or otherwiſe reſtrained, no legal cauſe of ſuch commitment, detainer, or reſtraint, being expreſſed, if he is returned upon an Habeas Corpus, that he ought to be delivered or bailed; that the ancient and undoubted rights of every freeman are, that he hath a full and abſolute property in his goods and eſtate, and that no tallage, loan, benevolence, or other like charge, ought to be commanded or levied by the king, or any of his miniſters, without common conſent of parliament.

Ann. 1628.

Journals of Commons, vol. I. p. 878, & ſeq. Parliam. Hiſt. vol. VII. p. 407, & ſeq.

THIS produced a conference between the two houſes: Guthrie, vol. III. p. 873.

* The Saxon inſtitutions, on which the common law of England is grounded, were ſo tender of perſonal liberty, that it was not till 23 Ed. III. the eleventh king from the Conqueſt, that a ſtatute was enacted to attack the bodies of men for debt. *Mr. Creſkeld's Speech. Parliam. Hiſt.* vol. VII. p. 379.

Ann. 1628. It was managed by, Sir Dudley Diggs, Sir Edward Coke, Mr. Selden, and Mr. Littleton. The aſſiſtants were, Sir Benjamin Rudyard, Mr. Pym, Mr. Rolles, Mr. Hackwell, Mr. Herbert, Mr. Whiteby, Sir Robert Philips, and Mr. Charles Jones, all of them being men of ſpirit and learning; the cauſe was pleaded with great ability. It was clearly proved that the fore-mentioned reſolutions were authorized by Magna Charta, ſix ſeveral ſtatutes, and the common law of the land *.

Ephemeris Parliamentaria, p. 54, & ſeq.

* The introduction was allotted to Sir Dudley Diggs: He ſhewed that the inſtitutions of the Saxons were the fundamental laws of the conſtitution; that it was an undoubted part of the common law of England, that the ſubject had a true property in his goods and poſſeſſions; that this birth-right had been invaded by preſſures more grievous, becauſe they had been purſued by impriſonment, contrary to the franchiſe of the land; and that the late judgment in the court of King's Bench had rendered the laws and ſtatutes of the realm of no avail towards obtaining redreſs for theſe oppreſſions.

Journals of Commons, vol. I. p. 880.

Mr. Littleton, who was appointed to juſtify the declarations of the houſe of Commons, began with introducing the twenty-ninth article of Magna Charta: *Nullus liber homo capiatur, vel impriſonetur, aut diſſeiſietur, de libero tenemento ſuo, vel libertatibus, vel liberis conſuetudinibus ſuis, aut ut lagetur, aut exuletur, aut aliquo modo deſtruatur, nec ſuper eum ibimus, nec ſuper eum mittimus, niſi per legale judicium parium ſuorum, vel per legem terræ.* He ſhewed that there was a corruption crept into this copy, and that the original words were, *nec eum in carcerem mittimus.* The words, *legem terræ*, he alleged, muſt of neceſſity be underſtood to be, By due proceſs of law, and not, The law of the land, which would comprehend villains; that theſe words were ſo explained in the fourth article of a ſtatute made 25 Ed. III. in which reign was the firſt invaſion of this perſonal liberty; that the words were yet more direct to the point in a ſtatute made in the twenty-eighth year of this monarch; that in the thirty-ſixth year of his reign he gave an anſwer to a petition, in the form that made it an act of parliament, That no arreſt by ſpecial command ſhould be made, contrary to the ſtatutes; that a petition of parliament, in the ſame year of his

WHILST the Commons were taking theſe meaſures to defend civil liberty, they did not neglect the popular Ann. 1628.

reign, explain the words, *legem terræ*, in the ſame manner; whereas it is contained in the Grand Charter, and other ſtatutes, That none be taken or impriſoned by ſpecial command, without indictment or other due proceſs to be made by the law; yet oftentimes it hath been, and ſtill is, that many are hindered, taken, and impriſoned, without indictment or other proceſs made by the law upon them. Beſides theſe, Mr. Littleton quoted two ſtatutes made againſt informers in this king's reign, the words of them ſufficiently explaining the captious expreſſion of *legem terræ* in Magna Charta. He then finiſhed with confuting a falſe comment which had been made by the court-lawyers on a ſtatute termed the Statute of Weſtminſter, enacted in 3 Ed. I.

Matters of record and judicial precedents were committed to Mr. Selden, with the remedy of the Habeas Corpus. He began with illuſtrating this article, and then ſhewed that precedents ought not to be relied on but when they agreed with the expreſs law; he next produced twelve precedents to the point, that perſons committed without a legal cauſe expreſſed, ought to be delivered upon bail; and laſtly, offered other kind of precedents, which were ſolemn reſolutions of judges; things not of record, but yet remaining in authentic copies. Journals of Commons, vol. I. p. 880.

Sir Edward Coke demonſtrated, that the acts of parliament and precedents produced were but ſo many affirmations of the common law, and that there was no good reaſon of ſtate againſt the ſhewing cauſe of impriſonment. He began by proving, that if freemen of England might be impriſoned at the will and pleaſure of the king, then were they in worſe ſtate than bondmen and villains. He then entered upon a very deep diſcuſſion of the principles of the conſtitution in point of perſonal liberty, and concluded by ſhewing that no virtuous operation of government could be effected by leaving to ſubjects that jewel which not only diſtinguiſhes freemen from ſlaves, but the living from the dead. Parliam. Hiſt. vol. VII. p. 418, & ſeq.

It was agreed by the attorney-general, that the ſeven ſtatutes urged by the Commons were yet in force; and that they did extend moſt properly to the king; but he ſaid that ſome of them were in general words, and therefore concluded nothing, but were to be expounded by precedents; and others that were more particular were applied

Ann. 1628. subject of religious grievances: A petition against recusants was presented by both houses on the thirty-first of

to the suggestions of subjects, and not to the king's command simply of itself.

Parliam. Hist. vol. VIII. p. 12, & seq.

To this Mr. Littleton replied, that the statutes were as direct as could be; and that though some of them speak of suggestions of subjects, yet others do not; and those that do are as effectual, for that they are in equal reason, a commitment by command of the king being of as great force, when it moveth by a suggestion from a subject, as when the king takes notice of the cause himself. To one of the twelve precedents which had been quoted by Mr. Selden, Mr. Attorney objected, that the lords of the council sent letters to the court of King's Bench to bail the prisoners. To this Mr. Selden, with great spirit, replied, that that letter was of no moment, being only a direction to the chief justice, and no matter of record, nor any way concerning the judges: And besides, either the prisoner was bailable by law or not bailable; if bailable by the law, then he was to be bailed without any such letter; if not bailable by the law, then plainly the judges could not have bailed them upon the letter without breach of oath, which is, that they are to do justice according to the law, without having respect to any command whatsoever: So that such a letter, in any case, was, for point of law, no weight against what the record of the court shewed.

Ephemeris Parliamentaria, p. 86, & seq.

To four precedents which the courtiers had brought against the resolutions of the Commons Mr. Selden objected, that, by the constant course of the court of King's Bench, whosoever came by Habeas Corpus, or other writ, into that court, could not be bailed before they were first committed to the marshal of that court; that these were thus committed appeared by the entry; and that this plainly shewed that the court of King's Bench in every of them resolved, that the prisoners so committed were bailable, otherwise they had been remanded, not committed to the marshal of the King's Bench.

According to the direction of the house, Mr. Selden, in this conference, produced the draught of a judgment in the case lately adjudged in the court of King's Bench: "This case is famous, said he, and well known to your lordships, therefore I need no further mention it; and as yet, indeed, there is no judgment entered upon the roll, but there is room for any kind of judgment to be entered. But, my

March. Promises sat so easy upon Charles, that he not only gave his word to perform every article of the pe- Ann. 1629. Rushworth, vol. I p. 519.

my lords, there is a form of judgment, a most unusual one, such an one as never was in any such case before used; for indeed there was never before any case so adjudged; and this drawn up by a chief clerk of that court, by direction of Mr. Attorney-general, as the house was informed by the clerk; in which the reason of the judgment, and the remanding of these gentlemen, is expressed in such sort as if it should be declared upon record for ever, that the law was, that no man could be enlarged from imprisonment that stood committed by any such absolute command.

"Now, my lords, added Mr. Selden, because this draught, if it were entered in the roll, as it was prepared for no other purpose, would be a great declaration contrary to the many acts of parliament already cited, contrary to all precedents of former times, and to all reason of law, to the utter subversion of the chiefest liberty and right belonging to every freemen of the kingdom; and for that especially also it supposeth that divers ancient records had been looked into by the court in like cases, by which records their judgments were directed; whereas, in truth, there is not one record at all extant, that, with any colour, warrants the judgment; therefore the house of Commons thought fit also that I should, with the rest that has been said, shew this draught to your lordships." Mr. Selden concluded his discourse by reading out of a book of lord chief justice Anderson's handwriting, the resolution of all the judges of England upon commitments by absolute command. This report, though it was in favour of the resolutions of the Commons, yet, in the case of the imprisoned gentlemen, it had been quoted by the court-lawyers, as being strongly against the point of personal liberty.

The report of lord chief justice Anderson.

"Diverse persons fueront comittes a several temps a several pry- Rushworth, vol. I. p. 511, & seq.
-sons, sur pleasure, sans bon cause, parte de queux estiant amesnes en banck le roy, et parte en le commune banck, fueront accordant a le ley de la terre, mise a large et discharge de le imprisonment, pur que aucuns grandts fueront offendus, et procure un commandement a les judges, que ils ne ferra ainsi apres ceo nient means les judges, ne surcease mes per advise, enter eux ils fesoient certain articles, le tenour de queux ensus et deliver eux al seigneurs chauncelor et treasurer, et

Ann. 1628. tition, but added, that the mildneſs he had hitherto uſed had been upon hope that foreign princes might thereby

et eux ſubſcribe, avec touts leur manies, les articles ſont come eriſnoint.

" We, her majeſty's juſtices of both benches, and barons of the Exchequer, deſire your lordſhips that by ſome good means ſome order may be taken that her highneſs's ſubjects may not be committed, or detained in priſon, by commandment of any nobleman or counſellor, againſt the laws of the realm; either elſe to help us to have acceſs to her majeſty, to the end to become ſuitors to her for the ſame: For divers have been impriſoned for ſuing ordinary actions and ſuits at the common law, until they have been conſtrained to leave the ſame againſt their wills, and put the ſame to order, albeit judgment and execution have been had therein, to their great loſſes and griefs; for the aid of which perſons her majeſty's writs have ſundry times been directed to ſundry perſons having the cuſtody of ſuch perſons unlawfully impriſoned, upon which writs no good or lawful cauſe of impriſonment hath been returned or certified; whereupon, according to the laws, they have been diſcharged of their impriſonment: Some of which perſons, ſo delivered, have been again committed to priſon in ſecret places, and not to any common or ordinary priſon, or lawful officer or ſheriff, or other, lawfully authorized to have or keep a gaol; ſo that, upon complaint made for their delivery, the queen's courts cannot tell to whom to direct her majeſty's writs; and by this means juſtice cannot be done. And moreover, divers officers and ſerjeants of London have been many times committed to priſon, for lawful executing of her majeſty's writs, ſued forth of her majeſty's courts at Weſtminſter; and thereby her majeſty's ſubjects and officers are ſo terrified that they dare not ſue or execute her majeſty's laws, her writs, and commandments. Divers others have been ſent for by purſuivants, and brought to London from their dwellings, and, by unlawful impriſonment, have been conſtrained not only to withdraw their lawful ſuits, but have alſo been compelled to pay the purſuivants ſo bringing ſuch perſons great ſums of money. All which, upon complaint, the judges are bound, by office and oath, to relieve and help, by and according to her majeſty's laws. And where it pleaſeth your lordſhips to will divers of us to ſet down in what caſes a priſoner ſent to cuſtody by her majeſty, or her council, are to be detained in priſon,

be induced to uſe moderation towards their ſubjects of Ann. 1628.
the reformed religion; but not finding that good effect which was expected, he reſolved, unleſs he ſhould very ſpeedily ſee better fruits, to add a farther degree of ſeverity than that which in the petition was deſired. As Charles's conduct was directly oppoſite to the many promiſes he had made on this head, there is perhaps no public tranſaction through his whole reign that throws more contempt on his character than theſe petitions and anſwers, nor a more ſufficient juſtification of the

priſon, and not to be delivered by her majeſty's court or judges, we think, that if any perſon be committed by her majeſty's command from her perſon, or by order from the council-board; and if any one or two of her council commit one for high treaſon, ſuch perſons ſo in the caſes before committed, may not be delivered by any of her courts, without due trial by the law, and judgment of acquittal had. Nevertheleſs, the judges may award the queen's writ to bring the bodies of ſuch priſoners before them; and if, upon return thereof, the cauſes of their commitment be certified to the judges, as it ought to be, then the judges in the caſe before ought not to deliver him, but to remand the priſoner to the place from whence he came, which cannot conveniently be done unleſs notice of the cauſe in general, or elſe in ſpecial, be known to the keeper or gaoler that ſhall have the cuſtody of ſuch priſoner."

This report does great honour to theſe judges, who, though at this period entirely dependant on the crown, were the only protectors of the civil rights of the nation.

It is to be obſerved that the king's council could not bring one clear precedent that any priſoner had been denied bail on the return of their Habeas Corpus, when the cauſe of the impriſonment had not been expreſſed in the writ; not but the civil rights of the nation had been continually infringed in the arbitrary impriſonment of its ſubjects, but few of theſe unhappy ſufferers had courage enough to claim the protection of the laws, in oppoſition to the tyrannical will of the ſovereign.

Ann. 1628. Commons for their not placing any confidence in his ſtrongeſt aſſeverations.

Parliam. Hiſt. vol. VII. p. 403, & ſeq. Debates.

DESIGNATION to foreign employments was not forgot among the grievances under debate: Sir Peter Hayman ſhewed his caſe; that, on refuſing to lend on a privy-ſeal, he was ſent by the lords of the council, at his own expence, to attend on an ambaſſador into the Palatinate. On this head Sir Edward Coke gave it as his opinion, that a ſubject, not being a ſervant of the crown, was not liable to forced ſervice; and even in the other caſe, where a ſervant refuſed ſuch a command, he ſhewed, by two ſeveral ſtatutes, that the king could only ſeize the offices, fees, and lands, he held in conſequence of his ſervices, but no commitment could legally enſue.

THE power which the crown had lately uſurped of inflicting domeſtic confinement, was canvaſſed in the following manner: Mr. Selden ſaid, that he could find no traces in former times of confinement to a man's own houſe, or elſewhere, by way of puniſhment, except in the caſe of the Jews, who were ſometimes confined to the Old Jewry; that a domeſtic priſon was a confinement only for madmen. Sir Thomas Hobby obſerved, that he was employed by Elizabeth in the year 1588; that though at that time it was held neceſſary to confine recuſants in ſtrong places, yet it was judged ſo illegal, that, after the defeat of the Spaniſh armada, the parliament petitioned the queen to warrant the confinement.

WITH

WITH this buſineſs of grievances the Commons, according to promiſe, went on that of ſupply; they rejected the propoſitions, as too vaſt and too complicated *, but voted five ſubſidies for the neceſſities of the government. Ann. 1628. Subſidies voted.

THE ſatisfaction Charles felt from this act of the Commons drew this ſpeech from him: "He liked parliaments at firſt; yet ſince, he knew not how, he was grown to a diſtaſte of them; but was now where he was before, for he loves them, and ſhall rejoice to meet his people again †."

SECRETARY Cooke related to the houſe this ſpeech, and a congratulatory one made on the ſame occaſion to Charles at the council-board, by the duke of Buckingham. Though theſe congratulations were couched in very popular terms, yet ſeveral members took high offence that Buckingham ſhould be mentioned in that houſe in ſo important a manner.

* Mr. Alford ſaid, that were they to anſwer punctually to every article of the propoſitions, it might be drawn into a precedent that the ſubjects were to maintain all the charges of war.

Sir Nathaniel Rich objected, that as the bill of tonnage and poundage was allotted for the defence of the coaſt, it would be a bad precedent to give other ſupply for that occaſion. *Parliam. Hiſt.* vol. VII. p. 397, *& ſeq.*

† Charles was in ſuch a hurry to get this vote of five ſubſidies paſſed into a bill, that he ſent to deſire the Commons not to make any receſs the Eaſter-holidays. This was unpleaſing to the houſe, leſt it ſhould affect their power of adjourning themſelves when they pleaſed: Sir Edward Coke moved to have it entered, that it was done *ex rogatu regis*. *Parliam. Hiſt.* vol. VII. p. 436.

Ann. 1628. THIS was not the only vain attempt that was made to reſtore Buckingham to the good graces of the Commons: They had been aſſured from ſecretary Cook that he had firſt moved and perſuaded the king to aſſemble a parliament *.

AFTER the Commons had thus gratified Charles with a vote of five ſubſidies, they were wholly engroſſed in preparing an inſtrument to explain more fully thoſe parts of Magna Charta, and the ſix ſeveral ſtatutes, which had been ſo notoriouſly violated by the late oppreſſive acts of the miniſtry. This they called a Petition of Right, it containing thoſe privileges which had been already ſtipulated to the ſubject.

THE houſe was frequently interrupted in this weighty buſineſs by the importunity of Charles; who, though he had given them aſſurances that he approved of the uniting the grievances with the ſupply, continued to preſs them to expedite the latter buſineſs out of hand. On the twelfth of April, ſecretary Cook delivered the following meſſage: "That his majeſty had long ſince expected the fruit of that which was ſo happily begun; but finding a ſtop beyond expectation, nay, beyond example, after ſo good a beginning, he commanded that, without any farther or unneceſſary delay, the houſe ſhould proceed in his buſineſs; for however he had been willing that his own affairs and theirs ſhould concur and proceed together, yet his meaning was not that one ſhould give interruption to the other, nor the time

* This was according to Sir Robert Cotton's advice.

to

to be ſpun out on any pretence to hinder that reſolution upon which the common cauſe of this kingdom, and even of all Chriſtendom, did ſo much depend. He bids them therefore take heed that they force him not, by unneceſſary and tedious delays, to make an unpleaſing end of that which was ſo well begun." Ann. 1628.

AFTER Sir John Cook had given the houſe to underſtand that they were not to take this meſſage as a threatning to diſſolve the parliament, he farther added, "I muſt with ſome grief tell you, that notice is taken as if this houſe preſſed not only upon the abuſes of power but upon power itſelf; this toucheth the king, and us, who are ſupported by that power." The houſe was ſo offended at what had fallen from Sir John Cook, that he was moved to explain what he meant by the word Power; which, he ſaid, was by them oppoſed. This he refuſed, ſaying, I cannot deſcend to particulars, or go from that which his majeſty gave me warrant or power to deliver.

ON the debate on the king's meſſage it was at length agreed to nominate a committee to proceed on grievances. Certain inſtructions were given the ſpeaker in anſwer to the meſſage delivered by Sir John Cook; and a petition * was ſent up to the throne, repreſenting the

* According to the inſtructions which the Commons had given, the ſpeaker alleged, in his preamble to the petition, that the preſerving thoſe fundamental liberties which concern the freedom of perſon, and property of goods and lands, were an eſſential means to eſtabliſh the true glory of a monarch, for rich and free ſubjects were beſt able to do ſervice, either in peace or war; that this had been the cauſe of

the

Ann. 1628. illegality of billeting of ſoldiers, and the enormities occaſioned by that oppreſſive meaſure: This was to be the prelude to the Petition of Right. On the fourteenth of April the judges attended in the houſe of Lords, to give an account of the reaſons of their judgment in the caſe of the gentlemen who had been impriſoned without an expreſs cauſe ſhewn. Sir Nicholas Hyde endeavoured to excuſe himſelf and brethren from this taſk, by repreſenting it as a thing they ought not to do without warrant from the king. The popular members, fired at this refuſal, the lord Say anſwered, "If the judges will not declare themſelves, we muſt take into conſideration the point of our privilege." The duke of Buckingham, having undertaken to compoſe this difference, ſent a meſſage to the king for leave that the judges might obey the injunctions of the houſe. An anſwer having been returned in the affirmative, the judges proceeded to give the demanded ſatisfaction. The authorities which theſe corrupt expounders of the law quoted to juſtify their proceedings were ſo unſatisfactory that, if there had been any thing wanting to the triumph of the Commons, it would have been compleated by the poorneſs of that which was urged in vindication of the queſtioned judgment *.

the happy and famous victories of the Engliſh, beyond other kingdoms of larger territories and greater numbers of people. *Parliam. Hiſt.* vol. VII. p. 445.

Charles was much diſpleaſed with the petition, and ſtill more with this preamble.

* A few arbitrary precedents were quoted, and juſtice Jones farther inſiſted, they could not have acted otherwiſe; for if they had allowed bail it would have reflected on the king. Every one of the judges pleaded merit for not having complied with the requeſt of Heath, that a ſpecial

Ann. 1628. THUS foiled, the courtiers did not altogether give up the point: The matter was again argued at a conference between the two houſes, by the attorney-general and the king's council on one ſide, and a ſelect committee of the houſe of Commons on the other. Though prolix quotations ought to be avoided by an hiſtorian, yet I muſt again tranſgreſs this general rule, to give my reader a juſt idea of thoſe accurate ſentiments of liberty, perſonal and political, which fell from the illuſtrious perſonages that argued on the ſide of their country.

Parliam. Hiſt. vol. VIII. p. 32, & ſeq. THE attorney-general came fraught with authorities to combat the good ſenſe, reaſon, and learning, of his antagoniſts. He began his diſcourſe by objecting to the conſtruction which the committee had made of the words, *per legem terræ*: "If, ſaid he, they are to be underſtood *per debitum legis proceſſum*, i. e. by indictment, preſentment, or original writ, then it muſt neceſſarily follow, that no offender could juſtly and legally be committed and reſtrained of his liberty, unleſs he was firſt indicted or preſented by a jury, or that an original writ was brought againſt him; which neither is, nor ever was, the practice of this kingdom in criminal caſes." After enlarging a little more on the ſubject, he quoted the opinions and reſolutions of thoſe judges that were eſteemed the ſages of the law: Stamford, in his Pleas of the Crown, judge Forteſcue, Fitzherbert, Newton, and

a ſpecial entry might be made of the judgment. They alleged, that they had only made an award, and that the priſoners might have brought another Habeas Corpus the next day. The judges diſclaiming that they had given any judgment in the point was a tacit confeſſion that they could not have juſtified ſuch an act.

Sir

Ann. 1628. Sir Edward Coke, who had advanced in the houſe of Commons, that one committed by the body of the council was not bailable by law. After he had dwelt ſome time on theſe authorities, and made ſome frivolous objections to the precedents which had been quoted on the other ſide, he purſued his argument in the following manner: "But it hath been objected, that if the king or council may commit, without ſhewing cauſe, it would be infinitely full of miſchief: for as the king may commit one, ſo he may commit many; as he may commit for a juſt cauſe, ſo he may commit without a cauſe; as he may commit for a time, ſo he may commit for a perpetual impriſonment. To this I anſwer, that it cannot be imagined of the king that he will at any time, or in any caſe, do injuſtice to his ſubjects. It is a maxim in our law, that the king can do no wrong; therefore the king can give no land by diſſeiſin; he can give no advowſon by uſurpation; and this is ſo far from being a defect or impotency in the king, that it is held for a point of his prerogative *. The reaſon is, as the king is ſupreme governor of his people, ſo he is *pater patriæ*, therefore he cannot want the affection of a father towards his children." He then proceeded to examplify the neceſſity of truſting the king with the queſtioned point of power, inſtancing two pretended neceſſary acts of tyranny of Elizabeth; the one in impriſoning ſome ſuſpected perſons till one Owen, a chief conſpirator, was caught, and the other in committing to

* Theſe two examples of legal reſtraints upon the prerogative are directly contrary to the point of ſuppoſed infallibility in the prince.

perpetual

perpetual confinement the two innocent ſons of the Iriſh rebel O'Donnel. Ann. 1628.

SERJEANT Aſhley ſeconded what the attorney-general had advanced, by aſſerting that by *lex terræ* could only be meant the law of the land; that there were divers laws of the land, as, the common law, the law of the Chancery, the eccleſiaſtical law, the law of the Admiralty, or the marine law, the law of merchants, the martial law, and the law of the ſtate; that theſe words, *legem terræ*, extended to all theſe; and that by this law of ſtate kings could impriſon their ſubjects at their pleaſure, without ſhewing the cauſe. "Divine truth informs us, ſaid he, that kings have their power from God, and are repreſentative gods; the pſalmiſt calling them the children of the moſt high, which is in a more eſpecial manner underſtood of kings than of other men; for all the ſons of Adam are by creation the children of God, and all the ſons of Abraham are, by re-creation or regeneration, the children of the moſt high: But it is ſaid of kings, they are the children of the moſt high in reſpect of the power that is committed to them, who hath alſo furniſhed them with ornaments and arms fit for the exerciſing that power, and given them ſceptres and crowns; ſceptres to inſtitute, and ſwords to execute laws; and crowns, as enſigns of that power and dignity with which they are inveſted: Shall we, then, conceive that our king hath ſo far tranſmitted the power of his ſword to inferior magiſtrates that he hath not reſerved ſo much ſupreme power as to commit an offender to priſon." Parliam. Hiſt. vol. VIII. p. 47, & ſeq. Ephemeris Parliamentaria, p. 142, & ſeq.

Ann. 1628. Parliam. Hiſt. vol. VIII. p. 53.

SERJEANT Aſhley's zeal for ſlavery ſubjected him to this ominous reproof from the lord preſident, who told the gentlemen of the Commons' houſe, that though at this free conference liberty was given by the Lords to the king's counſel to ſpeak what they thought fit for his majeſty's ſervice, yet Mr. Serjeant Aſhley had no authority or direction from them to ſpeak in the manner he had done.

Ibid. & ſeq.

THESE were the anſwers of the committee to what had been advanced on the king's ſide by the attorney and the ſerjeant: and, firſt, Mr. Littleton ſaid, that they had never reſtrained the proceſs of the law to writs original; but by the words, proceſs of the law, they underſtood the whole proceedings of the law, and ſo took in the conſtables, and all thoſe inferior officers, who, notwithſtanding, are never uſed without a cauſe. He ſhewed the futility of Mr. Attorney's concluſion, and then ſaid, that as to what Mr. Serjeant underſtood *per legem terræ*, many laws in England, martial, admiral, eccleſiaſtical, and that the 9 Edw. III. called merchant law, he challenged any man in England to ſhew that *lex terræ* ſhould be ſpoken of any but the common law, in any law-book, ſtatute, or antient record. "And, continued he, for what that gentleman objects, that the houſe of Commons think they have gained their cauſe, becauſe the king's counſel have yielded the ſtatutes to be in force; alas! we do not labour for victory, but truth; convince our underſtandings by better reaſons, and the cauſe ſhall be yours."

SIR Edward Coke took up the example of O' Donnel's chil-

children, and ſaid, that it was a ſtrange proviſo that a thing happening in an hundred year ſhould overthrow and mar ſo many ſtatutes in continual uſe, againſt the old rule, "*ad eaquæ frequentius accidunt jura adaptantur.*" To the next example which Mr. Attorney had brought, that a king is truſted in greater things, as war, money, pardons, deniſons, *ergo*, &c. "I deny, ſaid he, that theſe are greater things, for the liberty of the perſon is beyond them all; beſides, whatever the king's power is in theſe points by the common law, yet is it qualified by acts of parliament." To prove this aſſertion, Sir Edward Coke cited ſeveral ſtatutes. "The common law, continued he, hath ſo admeaſured the king's prerogative, as he cannot prejudice any man in his inheritance: Law doth privilege noblemen in arreſts; this new doctrine, like the little god Terminus, yields to none; nay, the judges themſelves, when they ſhould ſit on the bench, muſt be walking towards the Tower *."

Ann. 1628.

* Sir Edward Coke, with a very laudable candour, owned that his former opinion was an erroneous one. He complained that he had not been well dealt with to have his reports, whilſt a ſtudent, cited againſt him. He deſired Mr. Attorney to remember that he had not *veritatem ex cathedra*, or infallibity of ſpirit. He owned that he had miſgrounded his opinion on the 33d of Henry VI. which being nothing to the purpoſe, he was aſſured that his opinion was nothing to the purpoſe. "I confeſs, ſaid he, when I read Stamford then, and had it in my hand, I was of that opinion at the council-table; but when I perceived that ſome of the members of this houſe were taken away, even in the face of this houſe, and ſent to priſon, and when I was not far off from that place myſelf, I went to my book, and would not be quiet till I had ſatisfied myſelf: Stamford at firſt was my guide, but my guide hath deceived me, and therefore I ſwerved from it; I have now better guides; acts of parliament, and other precedents; theſe are now my guides." *Parliam. Hiſt.* vol. VIII. p. 62. *Guthrie*, vol. III. p. 878.

Ann. 1628. Mr. Glanville obſerved that the king might ſafely be truſted with what concerned himſelf equally with the ſubject, but not with what only concerned the ſubject: "We allow him a liberty to confer grace, adds he; but not, without cauſe, to inflict puniſhment; and indeed he cannot do injury, for if he commanded to do a man wrong, the command is void in law, and the actor becomes the wrong doer."

Mr. Selden uſed many learned arguments to enforce the foregoing ones, and deſired the Lords to weigh the difference between the king's council and their antagoniſts: "The king's counſel, ſaid he, ſpeak for the king's advantage, as gloſſers and parties; but the condition of their antagoniſts is this, that as they are members of the houſe of Commons they are bound to ſpeak truth, and alſo, by a ſtrict oath, to maintain the king's rights and pre-eminence."

Sir Edward Coke concluded with this ſpeech: "My lords, your noble anceſtors, whoſe places you hold, were parties to Magna Charta, ſo called for weight and ſubſtance; and you, my lords the biſhops, are commanded to thunder out your anathemas againſt all infringers of it; and all the worthy judges that deſerved their places have ever held Magna Charta in great eſtimation. Now as juſtice hath a ſword, ſo it hath a balance: Put together, my noble lords, in one balance, ſeven acts of parliament, records, precedents, reaſons, all that we have ſpoken, and that ſtatute of 18 Edw. III. whereto there has been no anſwer; and, in God's name, put into the other balance, what Mr. Attorney hath ſaid, his wit, learning,

learning, and great endowments of nature; and if he be weightier, let him have it; if not, then conclude with us. You are involved in the ſame danger with us, and therefore we deſire you, in the name of the Commons of England, repreſented in us, that we may have cauſe to give God and the king thanks for your juſtice in complying with us." Ann. 1628.

Mr. Attorney ſummed up the arguments, and Mr. Noy rejoined, That it was agreed on both ſides, that the king might commit for a cauſe, not without. But Mr. Attorney had ſaid, he was not bound to expreſs a cauſe; to which it was replied, that the judges are to judge between him and his people, *ergo*, no cauſe no judgment; and therefore the king ought not to commit for any time, no, not an hour, without expreſſing the cauſe.

In a committee of the houſe of Lords on this conference, on a motion of the earl of Warwick, a ſpirited popular peer, ſerjeant Aſhley was taken into cuſtody for the unconſtitutional doctrine he had advanced in behalf of the crown *. This noble lord diſplayed a ſtrong and lively talent of reaſoning in ſupport of what had been advanced by the Commons. I will obſerve ſomething out of the law, ſaid he, wherein this liberty Parliam. Hiſt. vol. VIII. p. 68, & ſeq.

* On a petition, expreſſing his ſorrow for the diſpleaſure he had given, and deſiring to make ſuch recognition as the Lords ſhould enjoin him, he was admitted to make his ſubmiſſion, and aſk forgiveneſs for his fault; this he did upon his knees, and was then diſcharged from cuſtody. The grounds of the accuſation againſt him was the pleading that the king muſt be allowed to govern by a law of ſtate. *Parliam. Hiſt.* vol. VIII. p. 68, *& ſeq.*

of

Ann 1628. of the ſubjects perſon is founded, and ſomething out of the precedents which have been alleged. As to Magna Charta, and the reſt, concerning theſe points, they are acknowleged by all to be now in force; that they were made to ſecure the ſubject from wrongful impriſonment; and that they concern the king as much or rather more than the ſubject. Well then, beſides Magna Charta, and thoſe ſix other acts of parliament, in the very point, we know that Magna Charta itſelf hath been at leaſt thirty times confirmed, ſo now at this time we have thirty-ſix or thirty-ſeven acts of parliament to confirm this liberty, altho' it was made a matter of deriſion the other day in this houſe.—Now, therefore, if in parliament we ſhall make any doubt of that which is ſo fully confirmed by parliament; and, in a caſe ſo clear, go about by new gloſſes to alter theſe old and good laws; we ſhall not only forſake the ſteps of our fore-fathers, who, in caſes even of ſmall importance, would anſwer *Nolumus leges Angliæ mutari*, but we ſhall yield up and betray our right in the greateſt inheritance the ſubjects of England have, and that is the laws of England. Truly, I wonder how any man can think that this houſe, though no lawyers, can admit of ſuch a gloſs upon a plain text as ſhould overthrow the very end and deſign of the law. For whereas the law of Magna Charta is, that no freeman ſhall be impriſoned but by lawful judgment of his peers, or the law of the land, it has been inſiſted on by ſome, that by theſe words, "the law of the land," it is to be underſtood that the king hath power to commit without ſhewing any cauſe; which is an expoſition not only expreſly contrary to other acts of parliament, and thoſe eſpecially before

before cited, but againſt common ſenſe. Mr. Attorney confeſſeth this law concerneth the king; why then, where the law ſaith the king ſhall not commit but by the law of the land, the meaning muſt be, as Mr. Attorney would have it, that the king muſt not commit but at his own pleaſure. And ſhall we think that our anceſtors were ſo fooliſh as to hazard their perſons and eſtates, and labour ſo much to get a law, and to have it thirty times confirmed, that the king might not commit his ſubjects but at his own pleaſure? nothing can be more ridiculous, or more contrary to reaſon and common ſenſe.—Mr. Serjeant Aſhley the other day told your lordſhips of the emblem of a king; but by his leave he made a wrong uſe of it, for the king holds in one hand the globe, and in the other the ſceptre, the types of ſovereignty and mercy; but his ſword of juſtice is ever carried before him by a miniſter of juſtice, which ſhews that ſubjects may have their remedies for injuſtice done, and that appeals lie to higher powers." Ann. 1628.

THE concluſion of the debates of this houſe was, that a commitment by the king or his council is good in point of authority; and, if the cauſe of the commitment was juſt, then it was good in point of matter; but that theſe two conceſſions were no way to prejudice the king's authority, nor yet the propoſitions of the houſe of Commons.

NOTWITHSTANDING the continual importuning meſſages with which the Commons were plied from the throne, they were at this time ſolely engaged in preparing the Petition of Right. The ſubſidy-bill had not paſſed,

Ann. 1628. paſſed, and Charles was in a perplexing ſituation: The Commons he found deaf to every propoſal that thwarted their intended purpoſe; to loſe the ſupply, and diſſolve the parliament, on the refuſal of aſſenting to that which had been clearly proved the legal privileges of the ſubject, was a meaſure that even the deſperate Buckingham would not venture on. To confirm privileges which claſhed ſo entirely with the pretenſions of the crown, privileges which evinced the injuſtice of the late meaſure, was a condeſcenſion inſupportably humiliating to the monarchical Charles.

His party had prevailed ſo far in the houſe of Lords, that they had ſent the following meſſage to the Commons: That they concurred with that aſſembly in their deſire of all juſt liberties to the ſubject, but they found it fit and neceſſary alſo to preſerve the juſt prerogative of the king: And to the end that both houſes might agree therein, they deſired another conference on the ſubject. In this conference the archbiſhop of Canterbury, who, though a good man, was an indifferent politician, propoſed that certain propoſitions, inſtead of the Petition of Right, ſhould be preſented by both houſes to the king for his aſſent. The ſubſtance of theſe propoſitions was, That the king ſhould declare that Magna Charta, and the ſix ſubſequent ſtatutes, were yet in force; that every free ſubject had a property in his goods; that it was his royal pleaſure that his ſubjects ſhould enjoy all the privileges their anceſtors enjoyed under the beſt and the moſt noble of his progenitors; that in all cauſes within the cognizance of the civil law, and concerning the liberty of the ſubject, he would proceed according

Ephemeris Parliamentaria, p. 50. & ſeq.

cording to the laws eſtabliſhed in the realm; that he Ann. 1628. would reſolve not to uſe his prerogative to the prejudice of his people; and if he ſhould find juſt cauſe of ſtate to impriſon or reſtrain any man's perſon, that he would graciouſly declare that he would, within a convenient time, expreſs the cauſe of the commitment or reſtraint, either general or ſpecial, and, upon a cauſe ſo expreſſed, would leave him immediately to be tried according to the common juſtice of the kingdom.

Men leſs judicious and clear-ſighted than were the members which compoſed the preſent houſe of Commons, might have ſeen that theſe propoſitions were ſo far from anſwering the purpoſe of reſtraining the prerogative, that they acknowleged a power in the king which defeated the intent of every ſtatute that had been made in favour of the ſubject. The Commons avoided quarrelling with the Lords at this critical juncture; therefore, without making any comment on their propoſal, they in very civil terms excuſed themſelves from aſſenting to it, and ſteadily adhered to their own reſolution.

This conference was immediately followed by a ſpeech from the lord-keeper, which aſſured the two houſes, that the king looked upon the ſtatutes inſiſted upon for the ſubjects' liberty to be all in force; that he will maintain all his ſubjects in the juſt freedom of their perſons, and ſafety of their eſtates; that he will govern according to the laws and ſtatutes of the realm; and that they ſhall find as much ſecurity in his royal word and promiſe, as by any law they could make.

Ann. 1628. It would ſwell this work with much inſipid matter to relate all the abſurd ſpeeches and meſſages which paſſed on this occaſion: Secretary Cook enlarged upon them all. The following arguments were at different times uſed by this tool of royalty, to bring the Commons to acknowlege the court creed; viz. A ſovereignty in the prince ſuperior to laws; that theſe might direct, but could not reſtrain, a monarch; and that conſequently the ſubjects' ſureſt dependance was on the word of their king, who would look upon himſelf as bound by the ſacred ties of honour to keep what he had ſolemnly promiſed. "Whatſoever law we can make, ſaid Cook, muſt come to his majeſty's allowance; and if his majeſty find cauſe in his government, he need not put life to it. We daily ſee all laws are broken, and all laws muſt be broken for the public good. The wrath of a king is like the roaring of a lion, and all laws, with his wrath, are of no effect; but the king's favour is like the dew of the graſs; there all will proſper; and may God make him the inſtrument to unite all our hearts. The king's heart is in his promiſe; is not his majeſty engaged in his royal word? can we do more? we are come to the liberty of the ſubject, and the prerogative of the king. I hope we ſhall not add any thing to ourſelves to depreſs him. Will we in this neceſſity ſtrive to bring ourſelves into a better condition, and greater liberty, than our fathers had, and the crown into a worſe? I dare not adviſe his majeſty to admit that. We deal with a wiſe and valiant prince, that hath a ſword in his hand for our good; and this good is ſupported by power. Do not think that by caſes of law and debate we can make that to be

Parliam. Hiſt. vol. VIII. p. 79, & ſeq. p. 95, & ſeq.

be no law, which, in experience, we every day find neceſſary. Make what law you will, government is a ſolid thing, and muſt be ſupported for our good. If I will diſcharge my duty, added he, and the oath I have taken to his majeſty, I muſt commit, and neither expreſs the cauſe to the goaler nor to the judges, nor to any counſellor in England, but to the king himſelf. Yet do not think I go without ground or reaſon, or take this power committed to me to be unlimited; yea, to me it is rather a charge, burden, and danger; for if I, by this power, ſhall commit the pooreſt porter, if it appears I do it not upon a juſt cauſe, the burden will fall heavier upon me than the law can inflict, for I ſhall loſe my credit with his majeſty, and alſo my place; and I beſeech you conſider whether thoſe that have been in the ſame place have not committed freely, and not any doubt made of it, nor complaint from the ſubject." Ann. 1628.

Had the meaning of Charles's anxiety to get rid of the Petition of Right been leſs apparent to the Commons than it really was, this doctrine would have ſufficiently ſhewn what uſe the monarch intended to make of the demanded forbearance; that what the Commons inſiſted on as their undoubted right he would have conſtrued as flowing from royal favour; that the power of princes could not be limited by human bonds; and that the rectitude of their judgment was the only ſafeguard of ſubjects; that all laws muſt give way to reaſons of ſtate, of which reaſons of ſtate ſovereigns were the ſole judges.

"Was ever a verbal declaration of the king, ſaid Sir Edward Parliam. Hiſt. vol. VIII. p. 104, & ſeq.

Ann. 1628. Edward Coke, *verbum regis?* When grievances be, the parliament is to redreſs them. Did ever parliament rely on meſſages? they put up petitions of their grievances, and the king ever anſwered. The king's anſwers are very gracious: But what is the law of the realm? that is the queſtion. All ſucceeding kings will ſay, "Ye muſt truſt me as ye did my predeceſſors, and truſt my meſſages." But meſſages of love never came into a parliament; let us put up a Petition of Right, not that I diſtruſt the king, but that I cannot take his truſt but in a parliamentary way."

Debates in the lower houſe. Ruſhworth, vol. I. p. 554.

"NEVER houſe of Commons, ſaid Sir Thomas Wentworth, truſted more in the goodneſs of their king, ſo far as regarded themſelves only, as the preſent; but we are ambitious that his majeſty's goodneſs may remain to poſterity, and we are accountable to a public truſt: And therefore, ſeeing there hath been a public violation of the laws by his miniſters, nothing can ſatisfy them but a public amends."

THE ſubſtance of this ſpeech was delivered to the king in an anſwer to the many importunate meſſages he had ſent the Commons to rely upon his royal word. This drew from him an aſſent to the propoſed bill; but the very next day ſecretary Cook again importuned the houſe on the old ſtrain of depending on the faith of the crown *. Charles, as a proof how much that faith was

* Secretary Cook propoſed that this point ſhould be debated before the houſe, and not before a committee, ſaying, that it was a new courſe to go into a committee of the whole houſe. This propoſal of ſecretary Cook was not aſſented to, and Sir John Elliot replied, that the

to be relied on, after having given the Commons to underſtand that he aſſented to their deſire of a confirmation of the privilege of the ſubject in their own way, ſent a letter to the Lords to fruſtrate the intent of the petition; viz. That he could not give up the point of committing in matters of ſtate; that he promiſed for the future to be very tender of the peoples' privileges; to commit none for not lending money; and that the cauſes of all commitments ſhould be expreſſed as ſoon as they could with ſafety.

Ann. 1628. Parliam. Hiſt. vol. VIII. p. 110, & ſeq.

TRIFLING and unſatisfactory as were theſe aſſurances, they had ſo much weight with the Lords * that they recommended to the Commons that their petition might be reduced within the compaſs of the king's letter. The Commons refuſed to proceed upon the letter, as being contrary to the cuſtom of parliaments; but offered to confer on any alterations which ſhould be propounded by the Lords. The Lords, after having debated this matter ſome days, reſolved on the following addition to the petition, which the Commons had referred to their approbation: "We humbly preſent this petition to your majeſty, not only with a care of preſerving our own liberties, but with due regard to leave entire that ſove-

The Lords propoſe an addition to the Petition of Right.

the proceeding in a committee was more honourable and advantageous, both to the king and the houſe; for that way led moſt to truth, as it was a more open way, where every man might add his reaſons, and make anſwer upon the hearing of other mens' reaſons and arguments. *Parliam. Hiſt.* vol. VIII. p. 104.

* Whilſt the Commons had been wholly employed on the comprehenſive ſubject of public liberty, the Lords had been buſied in matters concerning their own particular ariſtocratical privileges.

reign

Ann. 1628. reign power wherewith your majeſty is truſted for the protection, ſafety, and happineſs, of your people *."

It is difficult to imagine that the Lords could be ſo totally blind to conſequences as not to perceive the weighty objections to this clauſe; or that the popular lords would have ſuffered it eaſily to paſs, if they had not been certain of its fate in the lower houſe. It was rejected there with a warmth equal to the importance of the queſtion.

Debates on this propoſal. Ruſhworth, vol. I. p. 562, & ſeq.

"Let us look into the records, ſaid Mr. Alford, and ſee what this ſovereign power is. Bodin ſaith that it is free from any conditions: By this we ſhall acknowlege a regal as well as a legal power. Let us give that to the king the law gives him, and no more."

"All our petition, ſaid Mr. Pym, is for the laws of England; and this power ſeems to be another diſtinct power from the power of the law. I know how to add ſovereign to the king's perſon, but not to his power."

"We cannot admit, ſaid Mr. Hackwell, of theſe words with ſafety; they are applicable to all the parts of the petition; it is in the nature of a ſaving; all the laws we cite are without a ſaving; and yet now, after the violation of them, muſt we add a ſaving?

* In a committee of the whole houſe on the contents of this petition, the lord Say moved, that thoſe lords who ſtood for the liberties of the nation might make their proteſtation, and that to be upon record; and the oppoſite party ſhould, with the ſubſcription of their names, enter their reaſons, to remain upon record; that ſo poſterity might not be to ſeek who they were that ſo ignobly betrayed the freedom of their country. *Coke*, ed. 1719, vol. I. p. 252.

The oppreſſed biſhop of Lincoln was the ſycophant that chiefly promoted the adding this clauſe to the petition.

Ann. 1628.

"This is *magnum in parvo*, ſaid Sir Edward Coke; it is a matter of great weight; it will overthrow all our petition; it trencheth to all parts of it; it flies at loans, at the oath, at impriſonment, and at billeting of ſoldiers; this turns all about again. Look into all the petitions of former times, they never petitioned wherein there was a ſaving of the king's ſovereignty. I know that prerogative is part of the law; but ſovereign power is no parliamentary word. In my opinion it weakens Magna Charta, and all the ſtatutes; for they are abſolute, without any ſaving of ſovereign power: And ſhould we now add it, it will weaken the foundation of law, and then the building muſt fall. Take we heed what we yield unto: Magna Charta is ſuch a fellow that he will have no ſovereign."

Sir Thomas Wentworth and Mr. Noy ſpoke to the ſame purpoſe. Mr. Selden ſhewed that there never had been ſuch a clauſe in any preceding ſtatute, excepting in one petition of the parliament in 28 of Edward I. but this was ſo much diſliked by the people, that, on a repreſentation to the king, it was taken away by the next parliament. Mr. Maſon made an excellent ſpeech on the ſame ſubject: After having obſerved that Magna Charta was framed to limit the arbitrary power which the Norman race aſſumed on the conqueſt of our anceſtors,

"The

Ann. 1628. " The ſtatutes then mentioned in our petition, added he, reſtraining that abſolute power of the conqueror. If we recite thoſe ſtatutes, and ſay we leave entire that ſovereign power, we do take away that reſtraint which is the virtue and ſtrength of thoſe ſtatutes, and do hereby ſet at liberty this claim of ſovereign power of a conqueror, which then will be limited and reſtrained by no laws. And it was ſaid, that all ſovereign power is not mentioned to be left, but only that with which the king is truſted for our protection, ſafety, and happineſs. But I conceive this to be an exception of all ſovereign power; for all ſovereign power in a king is for the protection, ſafety, and happineſs of his people. If all ſovereign power be excepted you may eaſily judge the conſequence, all loans and taxes being impoſed by colour of that ſovereign power. The word *truſted* is very ambiguous, whether it be meant truſted by God only as a conqueror, or by the people alſo as a king, who is to govern according to law, *ex pacto* *.—If this addition does not refer to the petition, it is merely uſeleſs and unneceſſary, and unbefitting the judgment of this grave and great aſſembly to add to a petition of this weight. If it hath reference to it, then it deſtroys not only the virtue and ſtrength of our Petition of Right, but our rights themſelves; for the addition being referred to each part of the petition, it will neceſſarily receive this conſtruction; viz. That none ought to be compelled to make any gift, loan, or ſuch-like charge, without common conſent or act of parliament, unleſs it be by the ſovereign power with which the king is entruſted for the protection, ſafety, and happineſs of his people; that none ought to be compelled to ſojourn or billet ſoldiers, unleſs by the ſame ſovereign power; and ſo of the reſt of the rights of the petition: And then the moſt favourable conſtruction will be, that the king hath an ordinary prerogative, and by that he cannot impoſe taxes or impriſon; that is, he cannot impoſe taxes at his will, or employ them as he pleaſeth; but that he hath an extraordinary and tranſcendant ſovereign power, for the protection and happineſs of his people, and for ſuch purpoſe he may impoſe taxes or billet ſoldiers as he pleaſeth. And we may aſſure ourſelves that hereafter all loans, taxes, or billeting of ſoldiers, will be ſaid to be for the protection, ſafety, and happineſs of the people; certainly hereafter it will be conceived, that an houſe of parliament would not have made an unneceſſary addition to this Petition of Right; and therefore it will be reſolved, that the addition hath relation to the petition, which will have ſuch operation as I have formerly declared. And I the rather fear it, becauſe the late loan and billeting have been declared to have been by ſovereign power, for the good of ourſelves: And if it be doubtful whether this propoſition hath reference to the petition or not, I know who ſhall judge whether loans or impriſonments hereafter be by that ſovereign power or not *."

* Both Charles and his father inſinuated on all occaſions that they held their power from God, and were to him only accountable for their actions. This was not the creed of the houſe of Commons; but they no where expreſs their ſentiments on this head more ſtrongly than they are here expreſſed in this part of Mr. Maſon's ſpeech.

* This judicious member had influenced the houſe not to make their reſolutions on the point of perſonal liberty the premiſes of their Bill of Rights. " Becauſe, ſaid he, if by an act of explanation we

Ann. 1628.

Ann. 1628. SUCH were the debates of the Commons when a meſſage from the king to both houſes occaſioned another

ſhall provide only that the cauſe ought to be expreſſed upon the return of the Habeas Corpus, then out of the words of the ſtatute it will neceſſarily be inferred, that before the return of the Habeas Corpus the cauſe need not to be expreſſed, becauſe the ſtatute hath appointed the time of the expreſſion of the cauſe. This then, which we term an act of explanation, will be an act for the abridging of Magna Charta, and the reſt of the ſtatutes. In my underſtanding, the words of this intended law, "That no freeman ought to be committed without cauſe," can no way advantage us, or ſatisfy the objection. For till the return of the Habeas Corpus, he that commits is judge of the cauſe, or at leaſt hath a licenſe by this law till that time to conceal the cauſe, and the gaoler is not ſubject to any action for the detaining the priſoner upon ſuch a command: For if the priſoner demand the cauſe of his commitment of the gaoler, it will be a ſafe anſwer for him to ſay that he detained the priſoner by warrant, and that it belongs not unto him to deſire thoſe who commit the priſoner to ſhew the cauſe until he returns the Habeas Corpus. And if the priſoner be a ſuitor to know the cauſe from thoſe that committed him, it will be a ſufficient anſwer for them to ſay, they will expreſs the cauſe at the return of the Habeas Corpus. In this caſe there will be wrong, becauſe the commitment is without cauſe expreſſed, and one who ſuffers that wrong, viz. the party impriſoned; and yet no ſuch wrong-doer but may excuſe, if not juſtify himſelf, by this law. And if the priſoner procure a Habeas Corpus, and be brought into the King's Bench by virtue of it, yet the cauſe need not to be then expreſſed, the proviſion of this law being, that if no cauſe be then expreſſed he ſhall be bailed; and no cauſe being ſhewn upon the return of the Habeas Corpus, yet it may be pretended, that, at the time of his commitment, there were ſtrong preſumptions of ſome great offence; but, upon farther examination, they are cleared. So we may be frequently impriſoned in this manner, and never underſtand the cauſe; and have often ſuch puniſhments, and no means to juſtify ourſelves: And for all theſe proceedings this very law will be the juſtification and colour. If by this act there be a toleration of impriſonment, without ſhewing cauſe until the return of the Habeas Corpus, yet it is poſſible to accompany that impriſonment with ſuch circumſtances of cloſe reſtraint, and

conference on the ſubject. The rational part of the arguments urged to the Lords againſt this propoſal were pretty much the ſame with thoſe contained in Mr. Maſon's ſpeech*. The conviction they carried with them did not prevent the Lords from deſiring another conference to conſider of any other way to expreſs a reſpect of the king's power, either by manifeſtation, declaration, or proteſt. This propoſal was rejected by the Commons with diſdain, and the Lords at length concluded this tedious affair with a reſolution to clear themſelves from

Ann. 1628. Conference between both houſes.

and others which I forbear to expreſs, as may make an impriſonment for that ſhort time, as great a puniſhment as a perpetual impriſonment, in the ordinary manner." Here Mr. Maſon ſhewed that the ſenſe of theſe reſolutions might be ſo far evaded, that a man might be tranſlated from one priſon to another, and his whole life be ſpent in this peregrination. In the concluſion of this ſpeech he obſerved, that nothing but ſuch an act of parliament could give the king a legal power to commit without expreſſing a lawful cauſe; and added, that by providing for reaſons of ſtate they might ſpring a leak which might ſink all their liberties, and open a gap through which Magna Charta, and all the ſtatutes, might iſſue out and vaniſh. *Parliam. Hiſt.* vol. VIII. p. 89, *& ſeq.*

* Sir Henry Martin put the Lords in mind of the moderation with which the Commons had conducted this affair. "We are not ignorant, ſaid he, in what language our predeceſſors were wont to expreſs themſelves on much lighter provocations; and in what ſtile they framed their petitions. No leſs amends could ſerve their turn than ſevere commiſſions to enquire upon the violaters of their liberties; baniſhment of ſome, execution of other offenders, more liberties, new oaths of magiſtrates, judges and officers, with many other proviſions, written in blood. Yet from us there hath been heard no angry words in this petition; no man's perſon is named; we ſay no more than what a worm trodden upon would ſay, I pray tread upon me no more." *Parliam. Hiſt.* vol. VIII. p. 137, *& ſeq.*

Ann. 1628. any deſign to reſtrain the prerogative of the crown, by the following declaration:

"MAY it pleaſe your moſt excellent majeſty; we, the Lords ſpiritual and temporal, in your high court of parliament aſſembled, do humbly and unanimouſly declare unto your majeſty, that our intention is not to leſſen or impeach any thing which, by the oath of ſupremacy, we have ſworn to aſſiſt and defend."

The Petition of Right paſſes both houſes. June 2.

THE Lords were told by the duke of Buckingham, that this declaration was moſt welcome to his majeſty. The petition now paſſed both houſes, and in four days afterwards the king came to the houſe; and, after having obſerved to the Lords and Commons the ſhortneſs of the time he had taken to anſwer their petition, and the lord-keeper had put both houſes in mind that they had profeſſed to have no intention to leſſen or diminiſh his majeſty's prerogative, the petition being read, Charles gave this anſwer:

The king's anſwer to the Petition of Right.

"THE king willeth that right be done, according to the laws and cuſtoms of the realm, and that the ſtatutes be put in due execution, that his ſubjects may have no cauſe to complain of any wrong or oppreſſion contrary to their juſt rights and liberties; to the preſervation whereof he holds himſelf as much obliged as of his own prerogative."

IF the Commons had imagined themſelves on the point of receiving the fruits of their labour, ingenuity, and forbearance, they muſt have been inflamed with diſappointment,

pointment, as well as indignation, at this freſh inſult on their underſtandings. It is very certain that they returned in a very ill humour to their houſe: The king's anſwer to their Petition of Right was read, and diſpleaſed every patriot. On this occaſion Sir John Elliot made a long ſpeech, in which he pathetically ſet forth all the paſt and preſent grievances of the times. Sir Edward Coke propounded that a remonſtrance ſhould be preſented, touching the preſent dangers, and the means of ſafety, for the king and kingdom: This was agreed on, and entruſted to the committee for the bill of ſubſidies. Secretary Cook compleated the preſent diſguſt, by giving the houſe to underſtand, that his majeſty having, upon the petition exhibited to him by both houſes, given an anſwer ſo full of juſtice and grace, that themſelves and their poſterity had juſt cauſe to bleſs him, intended to put an end to this ſeſſions of parliament on Wedneſday the eleventh.

Ann. 1628.

Debates on the king's anſwer.

THE Petition of Right had ſo wholly engroſſed the attention of the Commons, that all other buſineſs was for a time ſuſpended. The offender Manwaring now felt the whole weight of their reſentment: A heavy charge was brought in againſt this ſycophant, who had ſo prophanely proſtituted religion to the purpoſes of baſe policy *. The Commons were employed in this

Charge againſt Manwaring.

* Amongſt other offenſive ſermons which had been preached before the king, one by Dr. Goodman biſhop of Glouceſter, aſſerted, in a poſitive and literal explication the real preſence of Chriſt in the ſacrament of the lord's ſupper. This doctrine occaſioned great ſcandal; but the king would not ſuffer the convocation to take cognizance of it, but referred it to the archbiſhop of Canterbury, the biſhops of Winchester,

Ann. 1628. buſineſs when they received the king's meſſage concerning the termination of the ſeſſions. The meſſage was entirely diſregarded, a declaration againſt Manwaring compleated, and Mr. Pym, who preſided in all the committees concerning religion, managed the charge that was brought againſt him in the upper houſe.

Parliam. Hiſt. vol. VIII. p. 189, & ſeq.

CHARLES, being highly offended at the ſlight that was put upon his laſt meſſage, ordered the Lords to adjourn for a day; and ſent another meſſage to the lower houſe, requiring them not to enter upon new buſineſs, that might ſpend greater time, or might lay any ſcandal or aſperſion upon the government. Warm debates enſued on the occaſion of this ungracious interruption: Sir Robert Philips propoſed to addreſs the king for leave to return home immediately, ſince they were ſtopped from giving advice, and what they had hitherto done of advantage to their country had been groſly miſrepreſented. Sir John Elliot began a ſpeech to the ſame effect, but was interrupted by the ſpeaker; who, imagining he was going to tax Buckingham, ſtarted up from his chair, and ſaid, "There is a command laid upon me

Winchester, Durham, and St. David's, and the affair was concluded by the biſhop's preaching the ſermon again, with explanatory obſervations. Before I leave this ſubject, it may not be improper to notice, that Laud had been ſent by Buckingham to Andrews, biſhop of Wincheſter, to propoſe that the convocation ſhould take under conſideration the ſubject of diſpute between the Arminians and their antagoniſts the Calviniſts. On Andrews's repreſentation of the affections of the clergy, the buſineſs was poſtponed, as the Arminian tenets were not ſo generally entertained as to truſt the determination of thoſe points to a convocation. *Heylin's Life of Laud*, fol. ed. 1668, p. 153.

to interrupt any that ſhall go about to lay an aſperſion on the miniſters of ſtate." On this interruption Sir John Elliot ſat down: Some of the court-party ſaid that the ſpeech lately made by that member had, they feared, given offence to his majeſty. This occaſioned a declaration of the houſe, that every member was free from any undutiful ſpeech, from the beginning of the parliament to that day. After this they turned themſelves into a grand committee; but the ſpeaker deſired leave to withdraw for half an hour *. His requeſt being granted, the houſe proceeded on their debate. Mr. Wandsford ſaid, "I think it is fit we go to the king, for this doth concern our liberties. Let us not fear to make a remonſtrance of our rights; we are his counſellors. There are ſome men that call evil good, and good evil. Juſtice is now called faction." Sir Edward Coke, after having dilated on the moderation with which the Commons had conducted themſelves, after ſuch a violation of their privileges, and, from the examples of Ann. 1628.

* On all the important debates which had been held this ſeſſions, the ſerjeant was ordered to attend on the out-ſide of the door of the houſe, and no man was to offer to go out, upon penalty of being ſent to the Tower. Mr. Kirton obſerved, that for the ſpeaker to deſire to leave the houſe in ſuch a manner, was never heard of before; he feared it would be ominous. The following expreſſion, which this member had uſed in the houſe, was called in queſtion by the court-party: That the enemies of the commonwealth had prevailed on the king to diſpute their rights, but he doubted not but God would ſend them hearts, hands, and ſwords, to cut the throats of the enemies to the king and people. The houſe reſolved, that in this he had ſaid nothing beyond the bounds of duty and allegiance; and that they all concurred with him therein. *Parliam. Hiſt.* vol. VIII. p. 164, 192, 199.

Ann. 1628. former times, had ſhewed that nothing could grow to abuſe but what that houſe had power to treat of, added, "Let us palliate no longer: I think the duke of Buckingham is the cauſe of all our miſeries." On the naming this deteſted miniſter as the general nuiſance, the whole houſe cried out, "'Tis he! 'tis he!" Every mouth was open to accuſe him. Mr. Selden adviſed that a declaration ſhould be drawn up, under four heads; 1. To expreſs the houſe's dutiful carriage towards his majeſty; 2. To tender their liberties that were violated; 3. To preſent what the purpoſe of the houſe was to have dealt in; 4. That that great perſon, the duke, fearing himſelf to be queſtioned, did interpoſe, and cauſe the preſent diſtraction. "All this time, ſaid he, we have caſt a mantle on what was done laſt parliament; but now, being driven again to look upon that man, let us proceed with that which was then well begun; and let the charge be renewed, that was made laſt parliament againſt him; to which he made an anſwer, but the particulars thereof were ſo inſufficient, that we might demand judgment on that very anſwer."

Mr. Selden having thus concluded his ſpeech, whilſt the motion was making to put theſe things to the queſtion, the ſpeaker, who had been privately with the king, brought word, his majeſty commanded that the houſe ſhould adjourn till next morning, and that all committees in the mean time ſhould ceaſe. The houſe thought fit to comply with this command. On the ſucceeding day, the ſpeaker endeavoured to ſooth them by many profeſſions of his own zeal for the ſervice of that houſe, with aſſuring them that they had miſconſtrued the

the king's laſt meſſage. At the ſame time he delivered them another to this purpoſe: That the king had no meaning of barring them of their rights, but only to prevent a longer time of conſideration than what he had fixed; and that all Chriſtendom might take notice of a ſweet parting between him and his people. Ann. 1628.

Notwithstanding this ſweetning, the houſe reſumed their debates upon grievances, with an earneſtneſs that boded no relaxation to the firmneſs of their preceding reſolutions. Amongſt other abuſes, they fell upon the deſign of bringing into England a body of German horſe. This was intended to be a ſecret, but it was found out by ſome of the popular members, and communicated to the houſe. On this intelligence Burlemachi was ordered to attend: He acknowleged that he had received thirty thouſand pounds, by privy ſeal, to buy horſes. Such a diſcovery gave room for the blackeſt comments; the ill intentions of the miniſtry blazed conſpicuous to the public; and Charles, under the opprobrium of the darkeſt ſuſpicions, was obliged to comply with a requeſt of the Commons, that he would give a clear and ſatisfactory anſwer to the Petition of Right *. Debates and grievances reſumed.

* The petition of Right.

Humbly ſhew, That whereas it is declared and enacted, by a ſtatute made in the time of the reign of king Edward I. commonly called *Statutum de tallagio non concedendo*, that no tallage or aid ſhall be laid or levied by the king or his heirs, in this realm, without the good will and aſſent of the archbiſhops, biſhops, earls, barons, knights, burgeſſes, and other freemen of the commonalty of this realm; and by authority of parliament, holden in the twenty-fifth year of king Edward III. it is declared and enacted, that from henceforth no perſon ſhall be compelled to make any loans to the king againſt his will, be-

Ann. 1628. This requeſt was made next day by the lord-keeper, in the name of both houſes; and the petition being read,

cauſe ſuch loans were againſt reaſon, and the franchiſe of the land; and by other laws of this realm it is provided, that none ſhould be charged by any charge or impoſition called a Benevolence, nor by ſuch-like charge; by which the ſtatutes before-mentioned, and other the good laws and ſtatutes of this realm, your ſubjects have inherited this freedom, that they ſhould not be compelled to contribute to any tax, tallage, aid, or other like charge, not ſet by common conſent of parliament: Yet, nevertheleſs, of late divers commiſſions, directed to ſundry commiſſioners in ſeveral counties, with inſtructions, have iſſued; by means whereof your people have been in divers places aſſembled, and required to lend certain ſums of money unto your majeſty; and many of them, upon their refuſal ſo to do, have had an oath adminiſtred unto them, not warrantable by the laws and ſtatutes of this realm, and have been conſtrained to become bound to make appearance and give attendance before your privy council, and in other places, and others of them have been therefore impriſoned, confined, and ſundry other ways moleſted and diſquieted; and divers other charges have been laid and levied upon your people in ſeveral counties, by lord-lieutenants, deputy-lieutenants, commiſſioners for muſters, juſtices of peace, and others, by command or direction from your majeſty, or your privy council, againſt the laws and free cuſtoms of this realm:

And whereas alſo by the ſtatute called the Great Charter of the liberties of England, it is declared and enacted, that no freeman may be taken or impriſoned, or be diſſeiſed of his freeholds or liberties, or his free cuſtoms, or be out-lawed or exiled, or in any manner deſtroyed, but by the lawful judgment of his peers, or by the law of the land; and in the eight and twentieth year of king Edward III. it was declared and enacted, by authority of parliament, that no man of what eſtate or condition that he be, ſhould be put out of his lands or tenements, nor taken, nor impriſoned, nor diſinherited, nor put to death, without being brought to anſwer by due proceſs of law:

Nevertheleſs, againſt the tenor of the ſaid ſtatutes, and other the good laws and ſtatutes of your realm, to that end provided, divers of your ſubjects have of late been impriſoned without any cauſe ſhewed; and when, for their deliverance, they were brought before juſtices, by your majeſty's writs of Habeas Corpus, there to undergo and receive

the king confirmed it in the fulleſt form; viz. *Soit* Ann. 1628. The king paſſes the Petition of Right.

as the court ſhould order, and their keepers commanded to certify the cauſe of their detainer, no cauſe was certified, but that they were detained by your majeſty's ſpecial command, ſignified by the lords of your privy council; and yet were returned back to ſeveral priſons, without being charged with any thing to which they might make anſwer by due proceſs of law:

And whereas of late great companies of ſoldiers and mariners have been diſperſed into divers counties of the realm, and the inhabitants, againſt their wills, have been compelled to receive them into their houſes, and there to ſuffer them to ſojourn, againſt the laws and cuſtoms of this realm, and to the great grievance and vexation of your people:

And whereas alſo by authority of parliament, in the twenty-fifth year of the reign of king Edward III. it is declared and enacted, that no man ſhould be forejudged of life or limb againſt the form of the Great Charter, and laws of the land; and by the ſaid Great Charter, and other the laws and ſtatutes of this your realm, no man ought to be adjudged to death but by the laws eſtabliſhed in this your realm, either by the cuſtoms of the ſame realm, or by acts of parliament; and whereas no offender of what kind ſoever is exempted from the proceedings to be uſed, and puniſhments to be inflicted, by the laws and ſtatutes of this your realm; nevertheleſs, of late divers commiſſions, under your majeſty's great ſeal, have iſſued forth, by which certain perſons have been aſſigned and appointed commiſſioners, with power and authority to proceed within the land, according to the juſtice of martial law, againſt ſuch ſoldiers and mariners, or other diſſolute perſons joining with them, as ſhould commit any murder, robbery, felony, mutiny, or other outrage or miſdemeanor whatſoever; and by ſuch ſummary courſe and order as is agreeable to martial law, and as is uſed in armies in time of war, to proceed to the trial and condemnation of ſuch offenders, and then to cauſe to be executed and put to death, according to the law martial; by pretext whereof ſome of your majeſty's ſubjects have been, by ſome of the ſaid commiſſioners, put to death; when and where, if by the law and ſtatutes of the land they had deſerved death, by the ſame laws and ſtatutes alſo they might, and by no other ought to, have been adjudged and executed:

And alſo ſundry grievous offenders, by colour thereof claiming an

Ann. 1628. *droit fait comme il eſt deſiré.* On the pronouncing theſe

exemption, have eſcaped the puniſhments due to them by the laws and ſtatutes of this your realm, by reaſon that divers of your officers and miniſters of juſtice have unjuſtly refuſed or forborn to proceed againſt ſuch offenders according to the ſame laws and ſtatutes, upon pretence that the ſaid offenders were puniſhable only by martial law, and by authority of ſuch commiſſions as aforeſaid; which commiſſions, and all other of like nature, are wholly and directly contrary to the ſaid laws and ſtatutes of this your realm:

They do therefore humbly pray your moſt excellent majeſty, that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or ſuch-like charge, without common conſent by act of parliament; and that none be called to make anſwer, or take ſuch oath, or to give attendance, or to be confined, or otherwiſe moleſted or diſquieted concerning the ſame, or for the refuſal thereof; and that no freeman, in any ſuch manner as is before mentioned, be impriſoned or detained; and that your majeſty would be pleaſed to remove the ſaid ſoldiers and mariners, and that your people may not be ſo burdened in time to come; and that the foreſaid commiſſions for proceeding by martial law may be revoked and annulled, and that hereafter no commiſſions of like nature may iſſue forth to any perſon or perſons whatſoever, to be executed as aforeſaid, leſt, by colour of them, any of your majeſty's ſubjects be deſtroyed, or put to death, contrary to the laws and franchiſes of the land.

All which they moſt humbly pray of your moſt excellent majeſty, as their rights and liberties, according to the laws and ſtatutes of this realm; and that your majeſty would alſo vouchſafe to declare, that the awards, doings, and proceedings, to the prejudice of your people, in any of the premiſes, ſhall not be drawn hereafter into conſequence or example; and that your majeſty would be alſo graciouſly pleaſed, for the future comfort and ſafety of your people, to declare your royal will and pleaſure, that in the things aforeſaid all your officers and miniſters ſhall ſerve you according to the laws and ſtatutes of this realm, as they tender the honour of your majeſty, and the proſperity of this kingdom. *Statutes at Large*, vol. II. p. 1096, *&c. ſeq.*

This Petition of Right was drawn up by Sir Edward Coke.

words, the Commons gave a general and loud ap- Ann. 1628.
plauſe *.

The Commons proceed on grievances.

THE ſubject of ſupply, which had been ſome time laid aſide, was now reſumed, and an order paſſed that the committees for religion, trade, and courts of juſtice, ſhould ceaſe, and the houſe to proceed only on grievances of the moſt moment. Under this head fell a commiſſion to certain ſtate-officers to conſider of ways and means for raiſing money to ſupply the exigencies of government. Though there is no mention of an exciſe in this commiſſion, yet we are told ſuch a ſcheme had been under conſideration immediately before the meeting of parliament; and Mr. Windeham affirmed in the houſe, that books of precedents were come over, in which the manner of the exciſe in Holland was related †. The commiſſion was brought into the houſe, and

* When it was generally known that the petition had been paſſed in the proper form, the city of London reſounded with the rejoicings of all ranks of people. Bonfires and the ringing of bells proclaimed the applauſe of the public. *Sanderſon's Life of Charles I.* p. 113.

† The words of the commiſſion are as follow:

"And we do hereby authorize and appoint, and ſtrictly will and require you, that, ſpeedily and ſeriouſly, you enter into conſideration of all the beſt and ſpeedieſt ways and means you can, for raiſing of monies for the moſt important occaſions aforeſaid; which, without extremeſt hazard to us, our dominions, and people, and to our friends and allies, can admit of no long delay; the ſame to be done by impoſitions, or otherwiſe, as in your wiſdoms and beſt judgments ye ſhall find to be moſt convenient in a caſe of this inevitable neceſſity; wherein form and circumſtance muſt be diſpenſed with, rather than the ſubſtance be loſt or hazarded."

In a conference between the Lords and Commons concerning this commiſſion, the Commons recommended to the Lords to make an enquiry

Ann. 1628. afterwards, by the deſire of the Lords, cancelled by the king. Sir John Strangeways, though a famous royaliſt, adviſed the perfecting the remonſtrance on the ſtate of the adminiſtration: This advice was acceded to, and a remonſtrance framed, ſetting forth, The unconſtitutional ſyſtem of government which had been lately put in practice; the many innovations which had been made on the liberties of the ſubject, in conſequence of that ſyſtem; the national diſhonour and danger brought on the Engliſh from the ill conducting of public affairs; the illegal commiſſion granted to the duke of Buckingham to be general of an army in the land in time of peace *; the dangerous purpoſe of bringing into the country foreign troops †; the abuſes introduced into the œconomy of the finances; the decay of trade; the loſs of ſhips ‡; the abuſe of power; and the late compoſi-

Their remonſtrance.

quiry who was the projector of the device; and, if he could be found out, to inflict an examplary puniſhment on him. *Ruſhworth*, vol. I. p. 614, & *ſeq.* p. 616.

* This could not properly be called a time of peace; it was only a ceſſation of arms. Such was the prudent jealouſy of our anceſtors that they could not endure the ſhadow of a military force, except on occaſions of immediate neceſſity.

† The paſſage alluded to is as follows: "We are bold to declare to your majeſty, and the whole world, that we hold it far beneath the heart of any free Engliſhman to think that this victorious nation ſhould now ſtand in need of German ſoldiers to defend their own king and the kingdom."

‡ The committee for trade had brought in a report to the houſe, that of the ſhipping of an hundred tons, or upwards, there had been, in the laſt three years, decayed, caſt away, and taken by the enemy, two hundred and forty-eight great ſhips, and with them a proportionable number of mariners, beſides great loſſes in leſs veſſels; that the merchants whoſe ſhips had been taken up twenty, thirty, thirty-ſix months,

tions made with popiſh recuſants *; other grievances relative to the encouragement of popery and arminianiſm †; the frequent diſſolutions of parliaments were not forgot; and the great truſt and power which the duke of Buckingham enjoyed was mentioned as the

Ann. 1628.

months, all complained that they were not paid the ſmall freight of two ſhillings *per* ton at firſt promiſed. By the means of this diſcouragement, few of them built new veſſels; and thoſe that did build, took care to build them unfit for public ſervice, to avoid their being preſſed. *Ephemeris Parliamentaria*, p. 201, & *ſeq.*

* The Commons here put the king in mind of his anſwer to their petition at Oxford on this ſubject; the public reſort to maſs at the queen's chapel, contrary to the ſenſe of that anſwer.

† A proclamation had been iſſued by Charles, forbidding his ſubjects to publiſh any religious doctrine, contrary to the diſcipline of the church of England: The uſe made of this order was, that all books tending to puritaniſm were ſuppreſſed, whilſt the arminians enjoyed unmoleſted the liberty of the preſs. This abuſe of power is particularly inſtanced in the remonſtrance, and the biſhops Laud and Neil are mentioned as enjoying too much authority for the ſafety and tranquillity of the ſtate.

The Commons complained that popery was openly profeſſed in Ireland without controul; that popiſh juriſdictions were exerciſed and avowed; that monaſteries, nunneries, and other ſuperſtitious houſes, were newly erected, re-edified, and repleniſhed with men and women of ſeveral orders, and in a plentiful manner maintained at Dublin, and moſt of the great towns, and divers other places, of the kingdom of Ireland.

The papiſts in Ireland were at this time driving a bargain for an avowed toleration, and offered the terms of maintaining for the king's ſervice five hundred horſe and five thouſand foot. On this propoſal, the Iriſh biſhops unanimouſly ſubſcribed a proteſtation, in which they repreſented that ſuch a toleration would be ſinful, and a matter of dangerous conſequence. On this ſpirited ſeaſonable oppoſition the court of England dropped the affair. *Remonſtrance of the Commons. Parliam. Hiſt. Complete Hiſt. of England*, p. 34, & *ſeq.*

chief

Ann. 1628. chief cauſes of theſe miſchiefs *. To balance the ſeverities in this remonſtrance, the ſubſidy-bill at the ſame time paſſed the houſe, and was ſent up to the Lords † when the remonſtrance was preſented ‡.

Their farther debates.

THE Commons having thus ſweetened this bitter pill of reproof with the gift of five ſubſidies, they entered into debate on the illegal power the king had aſſumed of exacting tonnage and poundage without having received that grant from parliament. Mr. Selden proved, that though ſuch ſupplies had been given time out of mind, yet it was in the ſenſe of a free gift, and the anſwer to ſuch bills had been ever the ſame as was the anſwer to the bill of ſubſidies; viz. "The king heartily thanketh the ſubjects for their good will." The reſult of the debate was a remonſtrance to the king on this ſubject. The Commons ſhewed that the ſhortneſs of their remaining time rendered it impoſſible for them to

* The ſpeaker would have excuſed himſelf from preſenting this remonſtrance; but the Commons inſiſted on his performing this part of his duty.

† The Lords objected to the form of the bill of ſubſidies, the commons having named themſelves only in the grant. After one conference on the ſubject the affair was dropt, and the bill paſſed without any alteration, Charles not being willing to part with it after it got into the upper houſe.

‡ With the bill of ſubſidies the Commons ſent up the following propoſitions to the Lords: That the new-granted ſubſidies might be expended in the repairing of the navy royal, and the decayed ſea munition. Secondly, in the re-edifying of the breaches made in the forts of the kingdom, and the haven towns. Thirdly, for a ſpeedy aid and aſſiſtance to the king of Denmark. And, fourthly, they recommended that the mariners might be paid the wages which had been long due to them. *Ephemeris Parliamentaria*, p. 204, *& ſeq.*

perfect

perfect ſuch a bill this ſeſſions, being a buſineſs that required conferences with the officers of the revenue, and merchants, not only of London, but of remote parts *. They then repreſent their undoubted right of aſſent to this as to other taxes; the illegality of laying any impoſitions on the ſubject without act of parliament. They aſſure themſelves that his majeſty will obſerve his anſwer to the Petition of Right, and refrain for the future from theſe arbitrary acts. Ann. 1628.

CHARLES, inflamed and alarmed at proceedings which levelled an important blow at the independance of the crown, repaired in haſte to the houſe of Lords †, and ſent for the Commons, who had already engroſſed their remonſtrance, and were reading it at the time they were ſummoned to attend the king, who addreſſed both houſes in the following ſtrain:

The king's ſpeech on the remonſtrance. Parliam. Hiſt. vol. VIII. p. 241, & ſeq.

"IT may ſeem ſtrange, ſays he, that I come ſo ſuddenly, before I give my aſſent to the bills: I will tell you the cauſe, though I muſt avow that I owe the account of my actions to God alone. It is known to every one, that awhile ago the houſe of Com-

* The Commons, on granting of theſe bills, ſettled the rates of impoſitions; but the crown frequently exceeded theſe bounds. They had been enormouſly tranſgreſſed by James, and Charles had laid on new impoſitions, which were much complained of by the merchants.

† Charles's motion on this occaſion was ſo haſty, that neither himſelf nor the peers were dreſſed in their formalities. The ſpeaker had been ſo long with him in the morning that he did not attend his office till nine o'clock. The Commons at this time met early; they uſually had finiſhed their buſineſs at the hour of twelve. *Parliam. Hiſt.* vol. VIII. p. 241.

 mons

Ann. 1628. mons gave me a remonſtrance; how acceptable every man may judge, and, for the merit of it, I will not call that in queſtion, for I am ſure no wiſe man can juſtify it. Now ſince, I am truly informed that another remonſtrance is preparing for me, to take away the profit of my tonnage and poundage, one of the chief maintenance of my crown, by alleging I have given away my right thereto by my anſwer to your petition. This is ſo prejudicial to me, that I am forced to end this ſeſſions ſome few hours before I meant, being not willing to receive any more remonſtrances to which I muſt give a harſh anſwer. And ſince I ſee that even the houſe of Commons begins already to make falſe conſtructions of what I granted in your petition, leſt it be worſe interpreted in the country, I will now make a declaration concerning the true intent thereof. The profeſſion of both houſes in the hammering of this petition was no way to trench upon my prerogative, ſaying, they had neither intention nor power to hurt it: Therefore, it muſt needs be conceived, that I have granted no new, but only confirmed the ancient, liberties of my ſubjects. Yet, to ſhew the clearneſs of my intentions, that I neither repent nor mean to recede from any thing I have promiſed you, I do here declare myſelf, that thoſe things which have been done, whereby many have had ſome cauſe to expect the liberties of the ſubject to be trenched upon, which indeed was the firſt and true ground of the petition, ſhall not hereafter be drawn into example for your prejudice; and from time to time, on the word of a king, ye ſhall not have the like cauſe to complain: But as for tonnage and poundage, it is a thing I cannot want, and was never intended by you to aſk, nor meant

by me, I am ſure, to grant.—To conclude, I command you all that are here, to take notice of what I have ſpoken at this time to be the true intent and meaning of what I granted you in your petition; but eſpecially you, my lords the judges, for to you only, under me, belongs the interpretation of the laws: For none of the houſes of parliament, either joint or ſeparate, what new doctrine ſoever may be raiſed, have any power to make or declare a law without my conſent." Ann. 1628.

As an antidote to the bill of rights, Charles ordered this ſpeech to be entered in the Journals of the Commons. Thoſe bills that were prepared received the royal aſſent, and the parliament was prorogued to the twentieth of October *. Parliament prorogued.

CHARLES's ſpeech on the occaſion of this prorogation ſhews a want of judgment that renders it a difficult

* Acts paſſed this ſeſſions.

1. The petition exhibited to his majeſty by the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, concerning divers rights and privileges of the ſubject, with the king's aſſent thereunto in full parliament.
2. An act for further reformation of ſundry abuſes on the Lord's day, called Sunday.
3. An act for ſuppreſſing of all unlicenſed alehouſes.
4. An act to reſtrain the ſending over of any to be popiſhly bred beyond ſeas.
5. An act for five entire ſubſidies granted by the clergy.
6. A declaration of the Commons againſt Dr. Manwaring.
7. An act for repeal and continuance of divers ſtatutes.
8. An act for the eſtabliſhing Sutton's hoſpital.

Several private acts. *Vide Parliam. Hiſt. Statutes at Large. Ruſhworth.*

Ann. 1628. matter to determine which of the two, his head or his heart, is the moſt deſerving of cenſure. His declaration that tonnage and poundage was excluded in the bill of rights, is too wretched a piece of ſophiſtry to ſuppoſe it meant for the purpoſes of deceit. He was undoubtedly himſelf deluded, and paſſed this petition without being acquainted with all its importance. When he avowed an intention to confirm the already-granted privileges of the ſubject, he little underſtood the largeneſs of their extent. The uſurpations of his predeceſſors he regarded as unqueſtionable authorities; and, in his declaration of making no additions to the liberties of the people, he fancied he reſerved to himſelf a power of treading in the footſteps of former tyrants, and exerting every act of violation which had been practiſed by the moſt fortunate and moſt powerful of the Engliſh ſovereigns. The Commons, more accurate in their judgment, had fathomed the true ſtate of the queſtion: Though the ſtatutes framed by their anceſtors to ſecure public liberty had, through a concurrence of favourable circumſtances, been often infringed with impunity by tyrannical princes, yet they had never been cancelled; and their late confirmation on the ſubject of the apparent abuſe of power gave them a luſtre which time and neglect had in ſome meaſure darkened. The frequent declarations which Charles made that he had only confirmed the antient liberties of the people, by his aſſent to the Petition of Right, added to its importance, and gave it the weight of an uncontrovertible inheritance. No expreſſions could be more plain or full than the words of the petition, or more directly contrary to what Charles had affirmed; namely, that tonnage and poundage was excluded from the

the ſenſe of it. The Commons plead that they could Ann. 1628.
not be compelled to contribute any tax, talliage, aid, or other like charge, but by common conſent in parliament. The vaſt increaſe of trade, and the arbitrary charges impoſed on it by the late and preſent king, had brought in immenſe ſums to the government. This growing fund Charles, on the opinion of his privy council, and ſome of the moſt corrupted of his judges, thought himſelf inconteſtably poſſeſſed of: But this was in contradiction to the avowed claims of the Commons, who had early proteſted againſt theſe pretenſions; and, from undeniable precedents, proved the juſtneſs of their claims *. Such being the ſtate of the queſtion, there muſt have been a particular clauſe in the petition, excluding tonnage and poundage, to have given rationality to Charles's peremptory affirmations.

BEFORE the concluſion of this ſeſſions, the Lords had Parliam. Hiſt. vol. VIII. p. 211, & ſeq.
given the Commons ample ſatisfaction on the juſtice they demanded on the offender Manwaring. This criminal was ſentenced to fine and impriſonment; to make ſubmiſſion and acknowledgment of his offences at the bar of both houſes; to be ſuſpended for the term of three years from the exerciſing of the miniſtry; to be diſabled for ever to preach at court; to be diſabled for ever from having any eccleſiaſtical dignity; that his book being worthy to be burnt, his majeſty be moved to grant a proclamation to call in the printed copies, that

* The Commons ſhew in their remonſtrance, that a certain ſpace of intermiſſion was often obſerved in this grant, that the right of the ſubject might be more evident.

they

Ann. 1628. they might be burnt in London, and in both the univerſities; and for the inhibiting the printing thereof hereafter, upon a great penalty *. When Manwaring was firſt brought to the bar, he attempted to vindicate his writings on the ſame abſurd principles on which he had eſtabliſhed his doctrine †. On this occaſion the reverend prelate Abbot reprimanded him for the ill uſe of the favour that houſe had done him in giving him time to recollect himſelf before he was called to anſwer. "I ſee in you, ſays he, that there are ſome men who are *miſeri, ſed non miſerendi*. I am ſorry to hear ſuch an anſwer to the accuſation of the Commons." To this

* The Lords made a kind of apology for a ſentence which they termed too mild for the offences of the criminal; the attributing to the king a participation of God's omnipotence, and an abſolute power of government, his ſcandalous aſſertions againſt parliaments, and his branding thoſe gentlemen with damnation who refuſed the loan.

Part of the charge the Commons brought againſt him was the preaching a ſecond ſermon of the ſame tendency as the firſt, at his pariſh-church, after the commencement of the parliament. *Parliam. Hiſt.* vol. VIII. p. 204, 210.

† Relying on a favourable interpretation from the biſhops, he deſired the ſpiritual lords might be judges of the inferences and logical deductions in his ſermons. The houſe reprimanded him for this requeſt, as an attempt to divide his judges.

On an enquiry the lords had made touching the authorizing of this publication, Mountaign biſhop of London, and Laud biſhop of Bath and Wells, flung the whole blame on the king, and proteſted that the ſermon was publiſhed by his abſolute command, and not by their approbation. *Parliam. Hiſt.* p. 205, 212, *& ſeq.*

During the courſe of this ſeſſions, the lord Suffolk had been accuſed by Sir John Strangeways of having averred that Mr. Selden had eraſed a record, and deſerved to be hanged for it. This the earl had the meanneſs to deny: He was confuted by ſeveral witneſſes. *Journals of the Commons*, vol. I. p. 883, *& ſeq.*

the

the archbiſhop added, that he both miſliked and abhorred his ſermons: Touching the participation they gave the king with God, that it was very blaſphemy; touching the other his aſſertion, that there is no juſtice but between equals, not between God and man, the parent and his children, nor between the king and his people, it was impious and falſe, and that he had drawn an infamy upon his country and religion. The archbiſhop ended this admonition with putting Manwaring in mind of the judgment inflicted by the king of Cyprus on the philoſopher Anaſarchis, to be brayed in a brazen mortar, as a proper judgment on all flatterers of princes. Ann. 1628.

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To the FIRST EDITION.

THE Author would be wanting in that due reſpect which every individual owes the Public, if ſhe did not acknowledge her grateful ſentiments of the very favourable reception they have given her Firſt Volume. The beſt return ſhe can make to the friends of Liberty and the Conſtitution is a diligent perſeverance according to the plan laid down in the Introduction.

SHE flatters herſelf that the Second Volume will be received with the ſame candor as the Firſt, knowing that it hath coſt her much more pains and labour, well beſtowed if they at all contribute to the ends propoſed in this difficult attempt.

THE period of time in this Volume is ſhort; but the judicious will perceive the difficulty of drawing theſe important tranſactions into a narrower compaſs, without depriving the reader of neceſſary information, and defeating the great intention of the work.

St. James's Place,
Jan. 10, 1765.

THE

HISTORY

OF

ENGLAND.

CHARLES I.

CHAP. I.

Attempt to relieve Rochelle.——Death of Buckingham.——Another attempt to relieve Rochelle.——Rochelle taken by the French king.——Peace concluded with France.——Merchants imprisoned.——Wentworth bought off from the popular party.——New ſeſſion of parliament.——Proteſtation of the Commons.——Impriſonment of ſeveral members.——Diſſolution.

THE Petition of Right, though it did not produce a change in the conſtitution, yet it confirmed to the ſubject every privilege which their anceſtors had, for any length of time, enjoyed, ſince the Norman Conqueſt had given the fatal blow to that enlarged ſyſtem of Liberty introduced by the Saxons. Notwithſtanding the importance of this event, no leſs threatening were the ſymptoms at the breaking up of this parliament, than had been thoſe that attended the preceding ones: A precipitate concluſion of the ſeſſion; Ann. 1628.

Ann. 1628. anger and diſtruſt on both ſides; a remonſtrance compoſed of diſgraceful truths, that ſet in a full light the infamous practices, and contemptible management of the government. Had Charles given his extorted aſſent to the Bill of Rights with a ſeeming alacrity, the Commons would have been inclined to have thrown the mantle of oblivion over paſt offences; but his evaſions and delays had not only excited a dangerous jealouſy, but had taken away all pretence of merit from the forced compliance. This head-ſtrong prince, notwithſtanding he had received the greateſt ſubſidy that was ever granted to any King of England; notwithſtanding the manifeſt indications which the parliament had ſhewn that they intended to give him a legal right to the revenue ariſing from tonnage and poundage; concluded the ſeſſion with indecent warmth, becauſe the Commons had declared that he had no right to ſuch impoſitions without conſent of parliament. Had he ſquared his conduct by the rules of common policy, on the remonſtrance preſented to him on this ſubject, he would have offered to have prolonged the ſeſſion till a bill of tonnage and poundage could have been perfected. This would have diſtreſſed the popular members, who, ſuſpecting that he would ſoon violate the laws he had lately confirmed, when releaſed from the ſhackles of a parliament, wanted to leave him in a ſituation that would render another meeting of this aſſembly neceſſary; and had carefully avoided touching on this captious ſubject till the Petition of Right was clearly paſſed. This ſagacious conduct in the Commons, no doubt, aroſe from the impolitic arguments which had been continually urged by the courtiers to bring them to comply with the demands of the crown. They endeavoured

voured to intimidate, by repreſenting that if miniſterial Ann. 1628.
meaſures were oppoſed, the King would aſſume every part of the legiſlature, and govern without parliaments. Theſe ſuggeſtions might give warning, but could not ſtrike terror. Such a government muſt ever be regarded as a tyranny, and conſequently its duration be very precarious; whereas if, with a preſervation of the forms of the conſtitution, the Commons had tamely yielded to the King the power he had aſſumed, Liberty would have been irrecoverably loſt, and abſolute monarchy eſtabliſhed by law.

THE numberleſs inſtances in which Charles had violated the laws of the land, rouſed the attention of the nation to develop the real genius of the conſtitution and the accuracy with which the Commons at this period examined the legal rights of the monarchy, may be attributed to an impolitic exertion of power, that crouded into one point of view all the oppreſſive uſurpations of the crown.

THE firſt military exploit which the miniſtry engaged in after the diſſolution of the parliament, was an attempt to relieve Rochelle. At the preſſing inſtances of the duke de Soubiſe, and deputies from this town, the earl of Denbigh, with a fleet that conſiſted of ten ſhips of the line, and ſixty ſmaller veſſels, was ſent to ſuccour the beſieged with a recruit of men and victuals. A complication of treachery, ignorance, and cowardice, that appeared in the conduct of this expedition, rendered it abortive; and Charles was either apparently betrayed by his ſervants and creatures, or himſelf an accomplice Attempt to relieve Rochelle.

Ann. 1628. in a deceit that muſt needs prove the ſhipwreck of his conſcience and his honour, and the diſſipation of that treaſure which he had dearly purchaſed from the laſt parliament. Du Cheyne. May the firſt, the Engliſh fleet anchored at Charleboy, in the road of Rochelle; on the eighth day, by the means of a high tide, and a ſtrong favourable wind, a ſhallop, that carried the news of their arrival, got ſafe into the harbour.

THE inhabitants, thus advertiſed of the approach of their allies, erected ſignals on the top of their towers, and diſcharged their cannon, to ſhew that they were ready to attack the enemy, and favour, by a diverſion, the entry of the deſtined ſuccours. After an ineffectual attempt to paſs a bar which the French had made to prevent the paſſage of the Engliſh ſhips, a council of war was called. The majority of the Engliſh captains gave it as their opinion, that the Rochellers had deceived them in their account of the facility of the enterprize. The vice-admiral and another officer, named Car, exclaimed againſt the backwardneſs of the reſt; and the French hugonots in the fleet, whoſe whole forces conſiſted of two or three and twenty ſmall veſſels, offered, with the aſſiſtance of four merchant-ſhips well armed, and three fire-ſhips, with a proportionable number of ſoldiers, to fling ſuccours into the place: With this offer the Rochellers agreed to pay for all the Engliſh ſhips that might miſcarry in the attempt. Denbigh excuſed himſelf on the impracticability of it, and on the words of his commiſſion, which were, not to fight unleſs previouſly attacked by the enemy. He obſtinately refuſed to give any aſſiſtance towards the relief of the diſtreſſed town;

town; and notwithſtanding the tears and prayers of the deputies from Rochelle, he ſet ſail and returned to England. Ann. 1628. On the depoſition of Andrew Le Brun, a Frenchman, concerning Denbigh's remiſſneſs, a letter was ſent by the council to the lord-high-admiral Buckingham, ſignifying, that it was the King's pleaſure that the earl of Denbigh, with an addition to his fleet of other ſhips prepared at Portſmouth and Plymouth, ſhould return back to relieve the town of Rochelle. This mandate was diſobeyed. Denbigh remained at home; and Buckingham, who entertained the project of appearing once more in a military capacity, cauſed ten ſhips to be built, with other preparations towards the fitting out a naval armament that ſhould be equal to the dignity of the commander. The earl of Marlborough, the preſent treaſurer, was diſmiſſed from his office, as a man whoſe frugal diſpoſition might be a bar to the deſtined expence of the expedition; and Sir Richard Weſton, the preſent chancellor of the Exchequer, a notorious Papiſt, and an approved creature of Buckingham, was promoted to the treaſurer's ſtaff, with the title of lord Weſton *. On the vaſt preparations made for this expedition, it is reported that all the ſubſidies given by parliament had been expended.

Ephemeris Parliamentaria, p. 226, & ſeq.

Guthrie, vol. III. p. 888.

BUCKINGHAM had repaired to Portſmouth, in order to ſurvey the preparations for the intended embarkation, when, on the twenty-third of Auguſt, whilſt he was talking with warmth to the duke de Soubiſe, and other French Death of Buckingham

* He was afterwards created earl of Portland.

officers,

Ann. 1628. officers *, on his inclining his head to give directions to Sir Thomas Fryer, he received a deadly wound from an unſeen hand, which ſtruck a knife into his heart. He withdrew the fatal inſtrument, fell proſtrate on the ground, and expired inſtantaneouſly †, to the ſurprize and horror of the by-ſtanders, who looked with ſuſpicious aſpects on the French gentlemen, whoſe geſticulations had been very vehement in this converſation. The zeal of his attendants, who were running about with drawn ſwords, in queſt of the aſſaſſin, might have been productive of miſchief, if, in the midſt of the confuſion, a hat had not been found, in the inſide of which was ſewed a paper that contained part of that remonſtrance of the Commons which declared the defunct an obſtacle to the peace and ſafety of the kingdom, and the prime cauſe of all its grievances. This diſcovery preſerved the foreigners from the danger of a maſſacre. It was immediately concluded that the owner of the hat muſt be the murderer. In the midſt of the anxiety that the apprehenſion of not overtaking the fugitive occaſioned, a man ſtepped forth, and preſenting himſelf to the company, ſaid, "I am the perſon who committed the action; let not the innocent ſuffer." This aſſaſſin proved

Ruſhworth, vol. I. p.635.

* Buckingham had been communicating ſome advices he had received, as if a convoy had got into Rochelle. This he communicated to the duke de Soubiſe, and the French gentlemen in his train, who inſiſted with great vehemence that this advice was falſe, and only intended to retard the expedition.

† Clarendon, in his pompous Hiſtory of the Civil Wars, very ſeriouſly tells a long ſtory of the ghoſt of Sir George Villiers, the father of Buckingham, appearing ſeveral times, and preſaging the death of his ſon. *Clarendon's Hiſtory of the Civil Wars*, fol. Ox. 1702, vol. I. p. 34.

to

to be one John Felton, a man that was brave, honeſt, Ann. 1628. and conſcientious; but melancholy, revengeful *, and enthuſiaſtical. He had ſerved in the ſtation of a lieutenant under Buckingham, in his expedition to the Iſle of Rhee, and had conceived a perſonal averſion to him for his having promoted an officer over his head †. The loud complaints of the nation, coinciding with his private reſentment, inflamed the melancholy revengeful humours in his compoſition to a black phrenzy, and his enthuſiaſm prompted him to render himſelf, by an indirect means, an inſtrument of juſtice on the declared enemy of the public.

THUS, by the arm of a melancholy lunatic, fell this object of almoſt-univerſal hatred, George Villiers, duke of Buckingham: a man of memorable inſufficiency as a ſtateſman and a ſoldier, and who, with no other eminent qualities than what were proper to captivate the hearts of the weakeſt part of the female ſex, had been raiſed by theſe qualities to be the ſcourge of three kingdoms; and, by his peſtilent intrigues, the chief cauſe of that diſtreſs which the French Proteſtants at this time languiſhed under: a man, whoſe extraordinary influence over two ſucceſſive princes, will ſerve, among other examples of this kind, as an everlaſting monument of the

* Felton, having received an injury, cut off a piece of his little finger, and ſent it with a challenge to the gentleman who had affronted him, with this meſſage: That he valued not the expoſing his whole body to deſtruction, ſo he might have an opportunity to be revenged. *Ruſhworth*, vol. I. p. 638.

† Beſides this injury, he had long waited in vain for his arrears of pay. *Complete Hiſt. of England*, vol. III. p. 45.

contemptible

Ann. 1628. contemptible government which magnanimous nations muſt ſubmit to, who groan under the mean, though oppreſſive yoke of an arbitrary ſway, entruſted to the caprice of individuals.

THE expenſive parade of the courtiers in theſe times, and the glitter that ſurrounded the minions of royalty, can be by no ſingle example ſo fully illuſtrated as by the account of Buckingham's body-ornaments: The jewels he left behind him were eſtimated at three hundred thouſand pounds; a ſum which, at the intereſt that money then bore, would have brought in an income of twenty thouſand pounds a-year. Charles was performing a public act of devotion when the death of his favourite was made known to him: The compoſure that appeared in his countenance on the recital of this aſſaſſination, gave the by-ſtanders a notion that he was not diſpleaſed with an incident that rid him of the man who effectually deprived him of the love and good opinion of his ſubjects. His after-deportment convinced the public that he retained the ſame fond affection to his memory that he had ſhewn to his perſon. He not only continued to heap favours on his whole tribe of kindred, but on all thoſe dependants who had attached themſelves to his fortune; and paid a vaſt debt which he had contracted *.

* Charles was within four miles of Portſmouth when the account of his favourite's death was made known to him. He was on his knees at prayers; no diſcompoſure appeared in his actions, nor alteration in his countenance, till the ſervice was over, when he retired to his chamber, and threw himſelf on his bed; where he gave vent to his ſorrow in a flood of tears, and paſſionate expreſſions of regard to the memory of the deceaſed. *Clarend. Hiſt.* vol. I. p. 25.

It

FELTON was carried to London, where he underwent Ann. 1628.
ſeveral examinations before the council. Laud, who had been lately promoted to the biſhopric of London, ſuggeſted a ſuſpicion that the Puritans were at the bottom of the miſchief, and threatened the delinquent with the rack *. Felton told them that if that was to be his caſe, he did not know whom he might name in the extremity of torture; and if what he ſhould then ſay was to go for truth, he could not tell whether his lordſhip the biſhop of London, or which of the lords at the council-board, he might accuſe; for torture would draw unexpected things from him. By a reſolution of the King and council, the judges were conſulted on the queſtion, whether Felton might legally be put to the torture? The judges determined in the negative; and the King graciouſly declared, that ſince it could not be done by law, he would not, in this point, uſe his prerogative. On Thurſday, the twenty-ſeventh of November, Felton was brought to his trial. The unhappy enthuſiaſt felt ſo ex-

Ruſhworth, vol. I. p. 640. Whitlock, fol. ed. 1682, p. 11.

It was reported that Charles, to ſhew his affection for his departed favourite, gave a command for a magnificent funeral. The treaſurer diverted the project by telling him, that the teſtimony of his favour would be more laſting, if, inſtead of that tranſitory pomp, he was to erect a ſtately monument to his memory. Charles aſſented to this propoſition; but when he renewed the ſubject of the monument, the treaſurer evaded the King's intention by the following ſpeech: "Sir, I am loath to tell your majeſty what the world will ſay, both at home and abroad, if you ſhould raiſe a monument for the duke before you erect one for your father." *The Reign of Charles, by H. L.* fol. ed. 1665, p. 91, *& ſeq.*

* He had been frequently examined concerning this queſtion, and conſtantly denied that he had any prompters to this action. *Ruſhworth*, vol. I. p. 638.

Ann. 1628. quiſite a remorſe for the crime he had committed, that on the court's paſſing ſentence of death upon him, he offered that hand to be cut off which did the fact. Though the court diſclaimed this requeſt, as not within the compaſs of the law, and out of their power to grant, Charles ſent to the judges to intimate his deſire that Felton's hand might be cut off before execution of the ſentence of death. The judges returned anſwer, that the King's will could not be complied with; for in all murders the judgment was the ſame, unleſs when the ſtatute of 25 E. III. altered the nature of the offence.

Another attempt to relieve Rochelle. Rym. Fœd. vol. XVIII. p. 1043.

On the death of Buckingham, the command of the fleet deſtined for the relief of Rochelle was given to the earl of Lindſey. Notwithſtanding the money that had been already expended, when the ſhips ſtores came to be inſpected, they were found deficient both in quantity and quality; and the preparations were not ready till the eighth of September, when the French had finiſhed a mole acroſs the harbour, which rendered the relief of the town very difficult, if not impoſſible. When the fleet came before Rochelle, they made ſeveral vain attempts on the mole; two days were ſpent in cannonading the works, without damage on either ſide; and the duke de Soubiſe began to ſuſpect that the Engliſh commander, who had ſent ſeveral private meſſages into the French camp, was treating ſeparately with the enemy. On receiving intelligence that the town could not hold out above two days, he offered, with the French ſhips, to attempt the mole, if the Engliſh would promiſe to follow him. The count of Laval propoſed, with artificial mines, contrived in three ſhips lined with bricks, to attempt

tempt to blow it up. Both theſe propoſals were rejected in a council of war, and more time conſumed in fruitleſs cannonading. The Engliſh captains in the fleet, who had been all of Buckingham's nomination, and who had hitherto refuſed to aſſent to any effectual method of combating the obſtacles that prevented the flinging in relief to the town, at length determined, in a council of war, to make one deciſive attack. Before this could be put in execution, Rochelle was forced to capitulate *. It exhibited a ſcene of miſery that even pride, bigotry, and the luſt of power, could not behold without emotions of compaſſion: The vain-glorious Richlieu, in the midſt of his exultations for the ſucceſs of his projects to forge everlaſting chains for his countrymen, with his pupil-monarch, bred in the ſchool of deſpotiſm, and trained in thoſe principles of tyranny that render conſcience an accomplice to acts of cruelty and injuſtice, on viewing this horrid theatre of human ſufferings expreſſed ſome marks of ſorrow and regret. Of twenty-two thouſand perſons who had been ſhut up in the town, four thouſand alone ſurvived the hardſhips that they had undergone. The living not being in number ſufficient, or in a condition to bury the dead, vermin and birds of prey fed on the expoſed carcaſſes. The dying carried their own coffins into the church-yards, and there

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Rochelle taken by the French king.

Ruſhworth, vol. I. p. 636.

Sanderſon, p. 127. Hiſt. of King Charles, by H. L. p. 93.

* Guiton, the mayor of this town, who had made ſo obſtinate a defence, going in his formalities to receive the conquerors, was told by Richlieu, that he muſt diſmiſs his halberdiers, for the king would be ſole maſter and mayor of Rochelle. He anſwered, with a ſpirit truly noble, "If I had known you would not have kept your word with me, the burghers ſhould have defended themſelves to the laſt man, and I would then have buried myſelf under the ruins of the town." *Larrey*, vol. I. p. 207.

lay

Ann. 1628. Larrey, 8vo ed. 1716, vol. I. p. 206.

lay down and breathed their laſt. Rats, dogs, cats, mice, human fleſh, and other diſtaſteful food, had been the only proviſion on which theſe martyrs to the cauſe of Religion and Liberty had for ſome time fed. The few inhabitants that ſurvived theſe miſeries appeared like the ſkeletons of men. The ſtory of their ſufferings ſhews the mighty influence that virtue has over a people actuated by a juſt ſenſe of Freedom, that it not only over-ballances every motive of ſelf-preſervation, ſubdues thoſe frailties that are inſeparable from humanity, but raiſes the mind above the ſenſe of evils that are the moſt inſupportable to the nature of man. Rochelle thus reduced in the face of the Engliſh, their fleet ſailed home; and the French monarch, with his miniſter Richlieu, entered the conquered town, where they re-eſtabliſhed the exerciſe of the Roman-Catholic religion, deſtroyed the fortifications, and deprived the inhabitants of all the privileges they had enjoyed from the edict of Nantes in the year 1598 *. Lewis, who had obtained a complete victory over a handful of brave men, ſhut up within the walls of a town, beſieged by land and by ſea with the whole force of the French nation, returned to Paris, in which place he triumphed with as much oſtentation as if he had defended his country from a formidable invaſion.

THE reduction of Rochelle, the ſtrongeſt town that the French Proteſtants poſſeſſed, and the only remaining

* The original edict was veſted in the hands of the Rochellers, who preſerved it in their town till its deſtruction, as a ſacred depoſit. In this fortreſs the reformed held their ſynods, and all thoſe general aſſemblies in which they conſulted on their common intereſt. *Moreri*, vol. VII. p. 154, *& ſeq.*

bulwark

bulwark of Gallic liberty, was an irrecoverable blow to the reformed, and a neceſſary ſtep towards the eſtabliſhed deſpotiſm of the French monarchy. The bigotry of its ſubjects, notwithſtanding that the conſequences of this cataſtrophe were obvious, aſſiſted their ſovereign in this fatal conqueſt with an admired alacrity; one ſenſible Frenchman, the mareſchal de Baſſompiere, alone excepted, who ſaid, "I think we ſhall be at laſt ſuch fools as to take Rochelle." Ann. 1628. Echard, fol. ed. 1720, p. 440.

ON the return of the fleet to England, the earl of Lindſey made ſundry complaints on the behaviour of his officers, of the badneſs of the proviſions, tackle, and other neceſſaries for the expedition. An enquiry was ordered on the report of theſe particulars: After ſome of the officers had been confined a ſhort time, and commiſſions iſſued to try others, the affair was entirely dropped. Many hiſtorians have charged Charles with the guilt of being an acceſſary to the deſtruction of the town of Rochelle. If we acquit him of this black treachery, it muſt be at the expence of his underſtanding. It appears plainly that if his intentions were honeſt, he was groſly abuſed by the people he truſted. Whether the remiſſneſs of their conduct was occaſioned by the intrigues of the queen his wife, who had now gained a mighty influence over him; whether it proceeded from Buckingham, whom report avers to have ſacrificed Rochelle to the cajolements of the court of France, and to the romantic project of an amorous connection with the French queen *, muſt be left to conjecture; ſince record does Ruſhworth.

* An author, very partial to the Stewart family, relates, that in the unfortunate expedition to the Iſle of Rhe, Toras, the commander of the French garriſon, being much preſſed with famine, ſent a meſſage of

Ann. 1628. not afford ſufficient authorities to warrant an hiſtorian's giving either of the two reaſons for matter of fact. Whether it proceeded alone from a palpable cauſe that the men truſted with the execution of public affairs were incapable of performing any enterprize of importance, certain it is that the Rochellers had endured all their extreme miſeries through the promiſes of Charles, and had been prevailed on to commence hoſtilities, not only by the circumſtances of their affairs, but by the united force of the moſt earneſt perſuaſions, and the moſt flattering aſſurances of protection from the king of England.

Ruſhworth, vol. I. p. 636. THE perſecution of the reformed churches was ſo violent, after the reduction of this fortreſs, that they were again obliged to implore aid of Charles: this they did in theſe terms: "That what they wrote was with their tears and their blood." This emphatical expreſſion had no effect: A treaty of peace was now on foot between the two crowns; it was concluded in the beginning of the following year, without any ſtipulations for the intereſt or the preſervation of the French Proteſtants, though the eleventh article of the treaty between Charles and the Rochellers is expreſly as follows: "And in caſe it ſhall ſo happen that his majeſty ſhall hereafter lend an ear to propoſals of peace with the Moſt Chriſtian king, the ſaid people of Rochelle ſhall be called to the conferences,

Peace concluded with France.

Du Cheyne, p. 1219, &ſeq.

Id. p. 1211.

of ſurrender to Buckingham. Buckingham returned anſwer, that he doubted not but they were too courageous, and of greater fidelity to their king, than to render their caſtle; but ſince they were obliged to yield to neceſſity, they ſhould have honourable terms. On this another meſſage was ſent to Buckingham to name his conditions. He deferred doing it, and the French found means to fling ſuccours into the caſtle. *Sanderſon's Reign of K. Charles*, p. 91.

ences, and no treaty ſhall be concluded without expreſs ſtipulations that their privileges and immunities ſhall be preſerved to them, according to the inſtructions they are to furniſh on that head. His majeſty farther obliges himſelf to guarantee the ſaid treaty to them." This treaty of peace between the two crowns of France and England, in which Charles ſo baſely deſerted the Rochellers, contrary to the articles of alliance, was in agitation before the death of Buckingham; and it was with a view to this treaty that he was appointed to ſerve in the laſt expedition *. The Venetian miniſter managed the negociation, and brought it to ſuch a forwardneſs in two conferences, one with the King and the other with the duke, that the latter agreed to conclude the whole before he ſailed; and the lord Dorcheſter was ſent to him from the court the very morning on which he was aſſaſſinated, when going to take horſe to finiſh the buſineſs in his maſter's cloſet. This ſecret negociation, tranſacted without the knowledge of the Rochellers, at a time when they expected, from the faith of promiſes, written with Charles's own hand †, a vigorous aſſiſtance, is a

Ann. 1628.

* On the ſubject of this treaty, the firſt miniſter of both kings were to have an interview at the head of the fleets and armies of the reſpective nations. *Hiſtorical Preface to Sir Dudley Carleton's Letters*, p. 31.

† The following are two letters from Charles to the Rochellers, on the return of that fleet which was ſent to their ſuccour under the command of the earl of Denbigh.

"Gentlemen,

"I have been troubled to hear that my fleet was upon the point of returning without anſwering my commands, which were to force the entry of your proviſions, whatever came of it; and have given it new orders to return into your road, and not ſtir till it has relieved you with victuals, or that I have ſent them an additional ſtrength, for which

Ann. 1628. very ſuſpicious circumſtance, and renders it probable that his intentions were not honeſt with regard to this ſuffering deluded people, and that they were to be the neceſſary ſacrifice to the intended peace. The French afterwards inſiſted on the reſtitution of Canada and Acadia, taken from them in this year 1628; the only advantage that Great Britain had gained in the courſe of this diſgraceful war.

THE unhappy fate of the Rochellers, and the miſerable ſituation of the reformed churches, could not fail of exciting in the Engliſh a freſh diſguſt at the conduct of the miniſtry: this was inflamed by many other cauſes of complaint. Charles, who had in ſome meaſure been the means of fixing the French monarchy on the baſis of an eſtabliſhed deſpotiſm, ſeemed at preſent more than ever determined to raiſe his own government to the ſame ſublime height of tyranny, and had digeſted his former projects into a more regular plan of execution. The ſoldiers that returned from the Rochelle expedition were

which I have cauſed men to work with all diligence. Be aſſured that I will never abandon you, and that I will employ all the force in my kingdom for your deliverance, until it pleaſe God to bleſs me with giving you an aſſured peace."

" Gentlemen,

" Be not diſcomforted, though my fleet be returned; hold out to the laſt; for I am reſolved that all my fleet ſhall periſh, rather than you ſhall not be relieved; and to this end I have countermanded it, and have ſent ſhips to make them change their deſign that they had taken to come back. I ſhall ſhortly ſend you ſome number of ſhips to reinforce it; and, with the help of God, the ſucceſs will be happy for your deliverance." *Guthrie*, vol. III. p. 887. *Larrey*, vol. I. p. 201.

not

not diſbanded *, but quartered in different parts of the kingdom; ſome were ſent into the Iſle of Wight, ſome into Eſſex, where they committed great outrages. Ann. 1628.

SINCE the laſt ſeſſion of parliament, ſeveral wine-merchants had been committed to the Fleet for refuſing to ſubmit to an impoſition of twenty ſhillings on the ton; and Charles declared in full council, that it was his abſolute will and pleaſure that a new duty of two ſhillings and two-pence the hundred on currants ſhould be added to the old one of three ſhillings and four-pence. Richard Chambers, a merchant, was committed to the Marſhalſea priſon for ſaying, " That greater impoſitions were required of the merchants in England than in any other place, and that they were more ſcrewed up than the Turk." Theſe words not having been expreſſed in the return of the writ, it was judged inſufficient, and the warden of the priſon directed to mend it: But the priſoner was adviſed by the court to ſubmit to the lords of the council, and petition them for his enlargement. Before this time and his ſecond return, Mr. Jermyn, the counſel for the priſoner, moved that he might be diſmiſſed or bailed, as it appeared by the return he was not committed for treaſon, and that the return did not Merchants impriſoned.

* About this time thoſe troops who had ſerved abroad under the command of Sir Charles Morgan, and who had a long time with great bravery defended Stoad, ſituated about twenty miles from Hamborough, on the other ſide of the Elbe, after its ſurrender were ſent to the king of Denmark for the defence of Luckſtat; and the thouſand horſe levied in Germany, for the ſervice of Charles, entered into the pay of the king of Sweden and the duke of Savoy. *Ruſhworth*, vol. I. p. 637.

Ann. 1628. ſhew what the words were whereto he might give anſwer. The King's attorney deſired that he might have time to conſider of the return, and be informed of the words, and that in the interim the priſoner to attend the council-table, and petition. The priſoner ſtood upon the juſtice of the law, and the inheritance of the ſubject. On his importunity the court commanded him to be bailed *; but withal told him, that he was indebted to the clemency of the court, it being in their power to draw an indictment againſt him, if they would, for contemptuous words. The judges, on account of the bailing of Chambers, were ſent for to attend the lord-keeper, the lord-treaſurer, the lord-privy-ſeal, and the chancellor of the duchy. The lord-keeper declared to them, that the enlargement of Chambers was without due regard had to the privy-council, they not having been previouſly made acquainted with it. The judges excuſed themſelves by ſaying, that the lord-chief-juſtice had acquainted the lord-keeper in private, before they had proceeded to bail the party; and moreover added, that what they had done in that affair was according to law, juſtice, and conſcience. On this they were told, that it was neceſſary for the preſervation of the ſtate, that the power and dignity of the council-table ſhould be preſerved, and that it could not be done without a correſpondency from the courts of juſtice. The attorney-general exhibited an information in the Exchequer againſt Samuel Vaſſal, a merchant of London, for

* On a recognizance of four hundred pounds: four ſecurities were bound in a recognizance of an hundred pounds each. *Ruſhworth*, vol. I. p. 640.

refuſing

refuſing to pay the new duty of five ſhillings and ſixpence on every hundred weight of currants *. To this information Vaſſal pleaded the ſtatute of Magna Charta, and the ſtatute *de tallagio non concedendo*; and that this duty was impoſed without aſſent of parliament. The barons of the Exchequer refuſed to hear Vaſſal's counſel argue for him; and ſaid that the King was in poſſeſſion, and they would keep him in it †. On this they ſent Vaſſal to priſon, and gave judgment for the King. The goods of one Rolls, a merchant, and a member of parliament, were likewiſe ſeized, and the ſame judgment given againſt him in the Exchequer. Thoſe groveling inſtruments of oppreſſion, the officers of the cuſtoms, who, in proportion to the baſeneſs of their education, are inſolent in office, ſaid, with unprecedented impudence, "If all the parliaments were in you we would take your goods." Divers merchandizes belonging to the fore-mentioned Richard Chambers, having been ſeized in the ſame manner, he ſued forth a writ of replevin to regain poſſeſſion: The barons of the Exchequer ſent an injunction under the ſeal of their court, commanding the ſheriff not to execute the writ, or any the like writs of replevin Ann. 1628.

* The information ſet forth, that king James did, by his letters patent, command the taking the ſaid impoſitions; that his majeſty that now is, by his letters patent dated the 26th of June, 2 Caroli, did, by the advice of his privy-council, declare his will and pleaſure to be, that ſubſidies, cuſtoms, and impoſts, ſhould be levied in ſuch manner as they were in the time of king James, until it might receive a ſettling by parliament; that the ſaid Samuel Vaſſal, before the 1ſt day of October, 4 Car. did bring into the port of London 4638 hundred weight of currants, for which he refuſed to pay duty. *Ruſhworth*, vol. I. p. 641.

† Vaſſal's goods had been ſeized and lodged in the Cuſtom-houſe.

Ann. 1628. that ſhould be afterwards ſued forth for the delivery of any goods in the like nature detained; and declared in court that ſuch goods were not repleviable by law. On this the ſheriffs of London refuſed to execute the writ of replevin. Chambers, finding it impoſſible to obtain juſtice, offered to give ſecurity for the payment of the duties that were demanded. The court refuſed to take his ſecurity, and directed the officers of the cuſtoms to detain double the value of the ſums which had been by them demanded, and to reſtore the reſidue. To theſe acts of violence committed againſt the London merchants, the court gave another cauſe of diſguſt, by levying an oppreſſive fine on the occaſion of a riot, in which one Lamb, a ſuppoſed conjuror *, and a creature of the duke of Buckingham, was killed.

Dr. Manwaring's ſermons were ſuppreſſed by proclamation †; but himſelf, who had been diſabled from ec-

* This Lamb was notorious for an ill fame. As he was coming from the playhouſe one evening, the rabble gathered thick about him, and reviled him with the appellation of witch, devil, and the duke's conjuror. He took ſanctuary at a vintner's, who, fearing that his houſe would be pulled down by the violence of the tumult, thruſt him out; whereupon the mob, ſeeing that the city-guard were coming to his reſcue, fell upon him, and bruiſed him in ſuch a manner that he died the ſame night. The city of London endeavoured to find out the moſt active perſons in this riot, but the aggreſſors were ſo faithful to each other that no witneſs appeared againſt any individual. The court, who looked upon this action as an inſult on the favourite, fined the city 6000l. *Complete Hiſt.* vol. III. p. 45. *Ruſhworth*, vol. I. p. 618.

† In the beginning of this proclamation the King declares, that the grounds of the ſermon were rightly laid to perſuade obedience from the ſubjects to their ſovereign, and that for conſcience ſake. At the ſame time came out two proclamations concerning recuſants:

cleſiaſtical preferments in the church of England by cen- Ann. 1628.
ſure of parliament, was preſented to the rich endowment of the rectory of Stamford-Rivers in Eſſex, and had a diſpenſation to hold it with that of St. Giles in the Fields *. About the ſame time, Mountague, the author of that noxious performance entitled Appello Cæſarem †, was preferred to the biſhopric of Chicheſter. A pro- Rym. Fœd. vol XIX. p. 26.

ſants: One for the apprehending of Richard Smith, titular biſhop of Calcedon, and other prieſts and Jeſuits that had taken orders by authority from the ſee of Rome; and another declaring the King's pleaſure for proceeding with Popiſh recuſants, and directions to his commiſſioners for making compoſitions for two parts in three of their eſtates due by law. Theſe proclamations gave little ſatisfaction; the firſt becauſe the delinquents taken were thought to be treated too favourably, and the ſecond for the ſame reaſon; viz. The recuſants got off upon eaſy terms, by means of compoſitions at under-value, and by letters of grace and protection to the moſt wealthy. According to Prynne, the proclamation againſt the biſhop of Calcedon was procured at the earneſt ſolicitations of the regular prieſts in England and Ireland, who violently oppoſed Smith's epiſcopal juriſdiction. *Ruſhworth*, vol. I. p. 633. *Rymer's Fœdera*, vol. XVIII. p. 1024, 1037, vol. XIX. p. 6.

* He was afterwards promoted to the deanry of Worceſter, and finally to the biſhopric of St. David's. *Heylin's Life of Laud*, p. 180.

† This book was wrote on the following occaſion: Two divines of the Norwich dioceſe, Yates and Ward, had informed againſt Mountague's dangerous errors of Arminianiſm and Popery, diſſeminated through a work which he had publiſhed in anſwer to one that had been written by the Papiſts, called the Gagger of Proteſtants. Mountague wrote this ſecond work to vindicate his principles. He dedicated it to the King, and entitled it Appello Cæſarem; applying the words which had been once uſed to Lewis of Bavere, emperor of Germany; *Domine Imperator, defende me gladio, & ego te defendam calamo.* "Lord Emperor, defend me with thy ſword, and I will defend thee with my pen." *Fuller's Church Hiſt.* ed. 1655, book 11, p. 119.

clamation

Ann. 1628. clamation * was iſſued to call in his book, with a prohibition againſt preaching and writing pro or con on the ſubject. Before this was done, the edition of Mountague's book had been vended, and out of riſk of ſeizure; but it effectually ſuppreſſed the ſeveral anſwers to it, written by Dr. Goad, Dr. Featly, Burton, Ward, Yates, Wotton, and Francis Rouſe, Eſq. Divers of the printers of theſe performances were queſtioned in the High-commiſſion court.

Laud was now, on the death of Buckingham, become ſupreme favourite †. Before the meeting of the parliament, which had been prorogued from the twentieth of October to the twentieth of January, Charles held a conſultation with his cabinet council. Here a ſettled plan of action was determined for the enſuing ſeſſion, in what manner the ſervants of the crown were to behave in particular caſes. That if the houſe of Commons urged the delivery of the merchants goods before they proceeded on the bill of tonnage and poundage, then the anſwer of the privy-counſellors to be as follows: That if the houſe intend to grant tonnage and poundage to the King, as it hath been granted to his predeceſſors, it will end all diſputes. If this anſwer

* To both Manwaring and Mountague was granted a royal pardon of all errors heretofore committed by them, either in ſpeaking, writing, or printing, for which they could be any way liable to be hereafter queſtioned. *Complete Hiſt. of England*, vol. III. p. 53.

† William, earl of Pembroke, the chancellor of Oxford, to flatter Charles, committed his power over the univerſity to Laud; who this year framed ſtatutes for limiting the free election of proctors. *Ruſhworth*, vol. I. p. 637. *Laud's Diary, in the Breviate of his Life by Prynne*, p. 15.

did

did not ſatisfy, then the King was to declare, that if Ann. 1628. they would paſs the bill in the ſame manner as his anceſtors had it *, he would graciouſly acknowledge the holding it by grant of parliament. If this was refuſed, then to avow a breach. To complete this kingly plan, a bill of tonnage and poundage was to be prepared by the miniſtry, before the parliament met. Other matters were likewiſe taken into conſideration: That ſhould the parliament proceed to cenſure the actions of the late duke of Buckingham; to accuſe upon common fame the King's ſervants now living; to charge them with ill counſel to the King; to handle matters of religion, only proper for his majeſty and a convocation to determine; to raiſe objections againſt his majeſty's ſpeech the laſt day of the laſt ſeſſion, as trenching upon the liberty of the ſubject; in theſe and the like caſes ſhould the houſe proceed towards a reſolution, then the privy-counſellors who were of that houſe were to intimate that ſuch debates would tend towards a breach, and would not be admitted: on this the King was to declare that he would not ſuffer ſuch irregular courſes of proceeding.

It was not without ſome grounds that the reſolutions of the miniſtry were thus arrogant and aſſuming. They had at this time, with the bribe of a peerage, and the preſidentſhip of the council in the northern parts, bought off from the popular party Sir Thomas Wentworth †, a Rym. Fœd. vol. XIX. p. 9.

* That is, without guarding the ſubject from arbitrary impoſitions, not limited by parliament.

† He was at firſt created Baron Wentworth of Wentworth Wood Houſe, and then a viſcount.

man

Ann. 1628. man whoſe principles of oppoſition had been ſtrongly ſtimulated on an envious pique againſt Sir John Saville, a neighbour of his, an avowed creature of the court *,

* Sir John Saville had been formerly of the popular party. The ſame means had been taken to debauch him from a ſenſe of duty to the public as were now practiſed to entice Sir Thomas Wentworth; viz. loading him with court-preferment. He was firſt made comptroller of the houſhold, and then created a peer.

It appears by letters and diſpatches of Thomas Earl of Strafford, publiſhed by William Knowles in 1739, that there had formerly ſubſiſted a kind of intimacy between the two families of the Savilles and the Wentworths, and that this continued while they were both in the oppoſition. Sir John Saville, on ſome threatenings from the court, made a voluntary reſignation of his place of cuſtos rotulorum to Sir Thomas Wentworth. When Sir John Saville was taken into favour, on the terms of his apoſtacy, Buckingham demanded of Sir Thomas Wentworth that he ſhould yield this place again to Sir John Saville. Hence aroſe Wentworth's animoſity to Saville, who from this period till the apoſtacy of the former, received, to the great diſguſt of his rival, continued inſtances of favour and partiality. The following inſtance of Wentworth's inveteracy to Saville ſhews the character of the former in a ſtrong light, that all his pretended notions of Juſtice and Liberty were put on to indulge ſome preſent paſſion, or proſpect of future advantage. Sir Thomas Wentworth and Sir George Calvert, ſecretary of ſtate, ſtood in the year 1620 for knights of the ſhire for the county of York. Sir Thomas Wentworth had heard that Sir John Saville intended to propoſe himſelf to the county, and on this intelligence writes in the following manner to Sir George Calvert: "Sir John Saville is by his inſtruments exceeding buſy, intimating to the common ſort, under-hand, that yourſelf, being not reſiente in the county, cannot by law be choſen; and being his majeſty's ſecretary, and a ſtranger, one not ſafe to be truſted in the country: but all this, according to his manner, ſo cloſely and cunningly, as if he had no part therein; neither doth he as yet farther declare himſelf, but only that he will be at York the day of election: And thus finding he cannot work them from me, labours only to ſupplant you. I endeavour to meet with him as well as I may, and omit nothing that my poor underſtanding tells me may do you ſervice. My lord-preſident hath writ to

whoſe favour from Buckingham had given Wentworth ſuch diſguſt, that he put himſelf at the head of the Ann. 1628.

to his freeholders on your behalf; and, ſeeing he will be in town on the election-day, it were, I think, very good he would be pleaſed to ſhew himſelf for you in the Caſtle-yard, and that you writ unto him a few lines, taking notice you hear of ſome oppoſition, and therefore deſire his preſence might ſecure you of fair carriage in the choice. I have heard that when Sir Francis Darcy oppoſed Sir Thomas Lake in a matter of like nature, the lords of the council writ to Sir Francis to deſiſt. I know my lord-chancellor is very ſenſible of you in this buſineſs: A word to him, and ſuch a letter would make an end of all."

The following letter of Sir Arthur Ingram to Sir Thomas Wentworth ſhews, that the latter had at this time a view of making uſe of his intereſt in the country, to render himſelf of conſequence enough to be bribed by the court.

Sir Arthur Ingram to Sir Thomas Wentworth.

"I find your and my good friend removed from his place, and the ſeal given to Sir Thomas Coventry. By this you and I both have loſt a worthy and good friend; but it is eaſier in theſe times to loſe a good friend than to get one: But theſe be things of the world, in which a man's beſt help is patience. Another good friend of yours, which is my lord-marſhal *, hath the hand of the great duke upon him, who hath brought the King that he will hardly ſpeak to him. The man that hath done you much wrong, both to the King and him, is the chancellor of the duchy; but, on my creed, you are much beholden to the chancellor of the Exchequer, who hath done you good offices with the King, and will continue the ſame upon all occaſions."

* Lord Arundel.

The good friend firſt mentioned was Williams, at this time lord-keeper. He had made ſeveral propoſals to Buckingham to engage Sir Thomas Wentworth to his party, by granting him court-favour: Theſe propoſals Buckingham rejected with diſdain, and the decline of the keeper's influence retarded the meaſure till after the death of Buckingham. Sir Thomas Wentworth, in a letter to Sir Richard Weſton, chancellor of the Exchequer, relates, "That at the diſſolved parliament at Oxford he had been moved from and in behalf

Ann. 1628. country intereſt in that county, and being a good ſpeaker, had great ſway in the houſe. The frail man was at firſt aſhamed of his apoſtacy *, and concealed his change of ſentiments; but at length pretended to juſtify himſelf by condemning the principles of his former aſſociates. Mr. Pym bad him be at no pains to excuſe his conduct; "You have left us, ſays he, but I will not leave you whilſt your head is on your ſhoulders †."

Wentworth's apoſtacy.

Echard, vol. II. p. 82.

of the duke of Buckingham, with promiſe of his good eſteem and favour; that he had anſwered, he honoured the duke's perſon, and was ready to ſerve him in the quality of an honeſt man and a gentleman. "You are privy, writes he to Sir Richard Weſton, how I performed what I promiſed. The conſequence of all this was the making me ſheriff the winter after. It is true the duke, a little before Whitſuntide laſt, at Whitehall, in your preſence, ſaid it was done without his grace's knowledge; that he was then in Holland. At Whitehall, Eaſter laſt, you brought me to the duke; his grace did before you contract, as he pleaſed to term it, a friendſhip for me; all former miſtakes laid aſleep, forgotten. After I went, at my coming out of town, to receive his commands, to kiſs his grace's hands, where I had all the good words and good uſage that could be expected, which bred in me a great deal of content, a full ſecurity. Now the conſequence here again is, that even yeſterday I received his majeſty's writ for the diſcharging me of the poor place of cuſtos rotulorum, which I held here." Wentworth, thus diſappointed in his hopes of preferment, returned again to his patriotiſm: His ſtiff refuſal of the loan, and his ſpirited conduct in that parliament memorable for the paſſing the Petition of Right, was after this period. *Strafford's Letters*, fol. ed. 1739, vol. I. p. 11, 13, 28, 34, *& ſeq.* *Heylin's Life of Laud*, p. 194.

* This black crime of proſtituting public virtue to private gain was not in theſe days countenanced by the number of the offenders.

† When he was about making his peace with the court, he deſired an interview with Pym; diſcourſed with him on the danger they were likely to run, and what advantages they might have if they would but liſten to ſome offers that would probably be made them from the court *Wellwood's Mem.* p. 48.

ON

ON the meeting of the parliament *, the firſt act of the Commons was to revive all their committees †. They next proceeded to take into conſideration ‡ in what particulars the liberty of the ſubject had been invaded, contrary to the Petition of Right. It was ordered that Mr. Selden and others ſhould ſee if that Petition and the anſwer were inrolled in the parliament-rolls and courts at Weſtminſter, according to the promiſe his majeſty had made laſt ſeſſion. On Mr. Selden's report that the King's ſpeech on the prorogation of the parliament was entered together with the Petition, the houſe went into an immediate debate, notwithſtanding a motion of Mr. Pym that it might be deferred till Thurſday, on the account of the thinneſs of the aſſembly: "This matter," ſaid Sir John Elliot, "concerns the honour of the houſe, and the liberties of the kingdom. It is true it deſerves to be deferred till a fuller houſe, but it is good to prepare things, for I find this to be a point of great conſequence. I deſire, therefore, that a ſelect committee may both enter into conſideration of this, and how other liberties of this kingdom have been invaded. I find in the country the Petition of Right printed indeed, but with an anſwer that never gave any ſatisfaction. I deſire a committee may conſider thereof, and preſent it to the houſe; and that the printer may be ſent for to give ſatisfaction, and to be examined about it, and to declare by what war-

Ann. 1628. New ſeſſion. 20 Jan.

Proceedings and Debates of the Houſe of Commons, by Sir Thomas Crew, ed. 1707, p. 2, & ſeq.

* The parliament had been prorogued from the 20th of October to the 20th of January.

† On privilege, on religion, on courts of juſtice, on grievances, on trade. *Journals of the Commons*, vol. I. p. 920.

‡ The whole houſe was reſolved into a committee. *Journals of the Commons*, vol. I. p. 920.

Ann. 1628. rant it was printed. " For this Petition of Right, ſaid Mr. Selden, it is well known how lately it hath been violated ſince our laſt meeting. Our liberties for life, perſon, and freehold, how have they been invaded? Have not ſome been committed contrary to that petition? Now we know this invaſion, we muſt take notice of it. For liberties in eſtate, we know of an order made in the Exchequer, that a ſheriff was commanded not to execute a replevin; and mens goods are taken away, and muſt not be reſtored. No man ought to loſe life or limb but by the law, and hath not one lately loſt his ears *? Next they will take away our arms, our legs, and our lives. Let all ſee we are ſenſible of this. Cuſtom creeps on us. Let us make a juſt repreſentation to his majeſty." The houſe having given way to Sir John Elliot's motion; Norton, the King's printer, was called to the bar, and examined concerning the additional ſpeech printed with the Petition of Right. Mr. Selden and four other members, on a command of the houſe, went home with Mr. Norton, and informed themſelves of the warrants by which he had acted. They reported, that on their examination of Mr. Norton and Mr. Bill, the King's printers, they found that the clerk of the houſe of Lords had ſent the original Petition of Right, with the King's ſecond anſwer to it; that during the ſitting of parliament they had printed about fifteen hundred copies, of which few were divulged; that the day after the ſeſſion was ended, Mr. Attorney ſent for Mr. Bill to his chambers, and told him, by his majeſty's command,

* This ſeverity was inflicted on one Savage, by order of the Star-chamber.

that

that theſe ſhould not be publiſhed, and that the lord-privy-ſeal told him as much; that ſoon after he was ſent for to court, where Mr. Attorney told him, he muſt print the Petition of Right, with his majeſty's firſt anſwer to it, and his laſt ſpeech. Ann. 1628.

On Thurſday the twenty-ſecond, Mr. Rolls, a member, informed the houſe that his goods were ſeized for not paying the cuſtoms demanded, although he offered to pay what the law adjudged to be due. " By this information, ſaid Sir Robert Philips, you ſee the misfortunes of theſe times, and how neceſſary it is for this aſſembly to meet to ſerve his majeſty, and preſerve ourſelves: I am confident we came hither to do both. Great and weighty things wound deep. Caſt your eyes which way you pleaſe, you ſhall ſee violations on all ſides: Look on the liberty of the ſubject, look on the privileges of the houſe; let any ſay if he read or ſaw the like violations by inferior miniſters that over-do their commands. They knew the party was a parliament-man; nay, they ſaid, If all the parliament was in him, they would do the thing, and juſtify it. If we ſuffer the liberties of this houſe to wither out of fear, we ſhall give a wound to the happineſs of this kingdom. The courſe of juſtice was interrupted. Order was made in the Exchequer for the ſtay of the goods; ſince this there has been a ſeizure to the amount of five thouſand pounds, for pretended duties of two hundred. In the firſt of king James, by reaſon of a ſickneſs, the parliament was prorogued, and then there was ſome boldneſs to take tonnage and poundage; and then we queſtioned the men that demanded it, for there was no right to demand

Journals of Commons, vol. I. p. 921. Parl. Hiſt. vol. VIII. p. 247. Crew's Debates, p. 5. & ſeq.

Ann. 1628. demand it. Let us proceed with perſeverance in our duties to make up breaches; let a committee be appointed to conſider of theſe duties."

HERE ſecretary Cook made a ſpeech, recommending moderation. To this Mr. Littleton made the following reply: "We have had moderation preached to us in parliament, and we follow it. I would others did the like out of parliament. Let the parties be ſent for that violated the liberties of parliament, that they may have their doom." Before the houſe came to a reſolution on the ſubject, they were interrupted by a meſſage from the King, which intimated a deſire that farther proceedings ſhould be forborn till the morrow, when his majeſty was reſolved to ſpeak with both houſes in the banqueting-houſe at Whitehall.

Journals of Commons, vol. I. p. 921.

ACCORDING to the reſolutions of the privy-council, previous to the meeting of the parliament, Charles addreſſed the Lords and Commons in the following manner: "The care I have to remove all obſtacles that may hinder the good correſpondency, or cauſe a miſunderſtanding, betwixt me and this parliament, made me call you hither at this time, the particular occaſion being a complaint lately moved in the lower houſe. And as for you, my lords of the higher houſe, I am glad to take this, and all other occaſions, whereby you may clearly underſtand both my words and actions; for as you are nearer in degree, ſo you are the fitteſt witneſſes for kings. The complaint I ſpeak of, is for ſtaying of mens goods that deny tonnage and poundage. This may have an eaſy and ſhort concluſion, if my words and actions are rightly

Crew's Proceedings of the Houſe of Commons, p. 9, & ſeq.

rightly underſtood: for by paſſing the bill as my anceſtors have had it, my paſt actions will be concluded, and my future proceedings authorized; which certainly would not have been ſtrucken upon, if men had not imagined that I had taken thoſe duties as appertaining unto my hereditary prerogative, in which they are much deceived; for it ever was, and ſtill is, my meaning, by the gift of my people to enjoy it. And my intention in my ſpeech at the end of the laſt ſeſſion was not to challenge tonnage and poundage as of right, but *de bene eſſe*; ſhewing you the neceſſity, not the right, by which I was to take it until you had granted it unto me; aſſuring myſelf, according to your general profeſſions, that you wanted time, and not good-will, to give it me: wherefore, having now opportunity, I expect that, without loſs of time, you make good your former profeſſions; and ſo, by paſſing the bill, to put an end to all queſtions ariſing from this ſubject; eſpecially ſince I have removed the only obſtacle that may trouble you in this buſineſs." Charles ended his ſpeech with blaming the Commons for enquiring into the infractions of the Petition of Right, and recommended a mutual confidence, that this ſeſſion might end in a perfect and good correſpondency between them. Ann. 1628.

IT has been already obſerved, that the Commons aſſerted their right of aſſent to this tax with a view to oppoſe the illegal pretenſions of the crown, and to reſtrain the power it had uſurped of making arbitrary impoſitions on the ſubject. This could no otherwiſe be effected than by making tonnage and poundage a temporary tax, or by paſſing the bill in a manner that ſhould indiſputably

fix

Ann. 1628. fix the rate of cuſtoms as limited by parliament. Former ſovereigns ſtrictly kept to the ſenſe of the obligation. It had never been violated from the time of Edward III. till the reign of Mary. This princeſs's example of laying on one arbitrary impoſition had been ſo much improved by her ſucceſſors, as to have become a heavy burden on trade, and rendered the revenue of the crown too much independent of the parliament for the ſafety of the conſtitution.

THIS hiſtory, perhaps, does not furniſh us with any ſingle example that more fully expoſes the ſhallowneſs of the miniſtry, than the attempt to impoſe this ridiculous expedient mentioned in the King's ſpeech, of ſettling the preſent weighty point in diſpute. Had the parliament paſſed the act in the manner that Charles had dictated, and without reſtitution of the goods taken in the intermediate period, they would not only have given up the means of redreſſing the moſt important grievance of the nation, but would have effectually authorized an example, that rendered this unlimited revenue as independent of parliament, as any other of the moſt indiſputable appendages of the crown. If the parliament will accede to the power of laying on impoſitions, Charles graciouſly promiſes to acknowledge that he holds it by ſuch a conceſſion: But this is a privilege I cannot want, ſays he; it is neceſſary to the freedom and grandeur of the monarchy; your obſtinacy in this point juſtifies the taking that from you by force, which it is in your option to make your own act and deed. Might not the ſame powerful arguments be uſed for the taking ſubſidies, or any other violation of the conſtitution? and might it not be ſaid,

ſaid, according to this caſuiſtry, that it was the fault of the parliament if any illegal acts were committed by the government, ſince it was in their power to authorize tyranny, and give the ſtrength of law to uſurpation. Give me your purſe, and you will no longer ſuffer the injury of violence. Surrender willingly your liberty, and what you now complain of as tyranny will become law. An. 1628.

THE Commons took no immediate notice of this conciliating propoſal. They rejected a motion of ſecretary Cook, that the bill of tonnage and poundage might be read, and entered with great warmth on the important point of religion. This debate was opened by Mr. Sherland. It was purſued by Mr. Rouſe *, Mr. Pym, and others. "We have of late entered into conſideration of the Petition of Right, ſaid Mr. Rouſe, and the violation of it; and upon good reaſons: for it concerns our goods, liberties, and lives. But there is a right of an higher nature, that preſerves us far greater things, even the eternal life, our ſouls, yea, our God himſelf; a right of religion derived to us from the King of Kings, confirmed to us by the kings of this kingdom, and enacted by laws in this place, ſtreaming down to us in the blood of martyrs, and witneſſed from Heaven by miracles, even miraculous deliverances. This right, in the name of this nation, I now claim; and deſire that there may be a deep and ſerious conſideration of the violations of it. —Lower natures being backed by higher, increaſe in courage and ſtrength; and certainly man being backed

Crew's Proceedings and Debates of the Commons, p. 13, & ſeq.

* This was, in all probability, the author of one of thoſe anſwers to Mountague's book which had been ſuppreſſed by the miniſtry.

Ann. 1628. with omnipotency, is a kind of omnipotent creature. All things are poſſible to him that believeth; and where all things are poſſible, there is a kind of omnipotence. Wherefore, let it be now the unanimous conſent and reſolution of us all, to make a vow and covenant from henceforth to hold faſt one God and one religion; and then we may expect proſperity. To this covenant let every one ſay Amen."

In the courſe of this debate, Arminianiſm was termed the ſpawn of Popery; it was affirmed, that the ſucceſs of this doctrine was more to be feared than a ſecond Spaniſh invaſion. Mr. Pym aſſerted, that regulations in religious matters could no where ſo well be determined as in parliament; that the convocation had not ſuch a power, becauſe it was but a provincial ſynod; that the high-commiſſion could not, becauſe it had its authority from parliament, and the power of the derivative was inferior to that of the original. Sir Francis Seymour obſerved, that his majeſty's name was uſed to ſtop proceedings againſt Papiſts, contrary to his public profeſſions, nay, to his own proclamations, and inſtructions to the judges. "Whatſoever, added he, is done in the country is undone above."

Both houſes agreed to petition the King for a faſt * on the deplorable ſituation of the reformed churches. Their caſes, ſays the petition, we do with bleeding hearts commiſerate. The King granted this requeſt, but in a manner that did not help to conciliate the affections of the

Calendar of the Journals of the Houſe of Lords, MSS. folio.

Parl. Hiſt. vol. VIII. p. 264, & ſeq.

* At the keeping of this faſt, three ſermons were preached before the houſe. *Parl. Hiſt.* vol. VIII. p. 310.

par-

parliament. "The chiefeſt motive of your petition, Ann. 1628.
ſaid he, being the deplorable ſtate of the reformed churches abroad, is but too true; and our duty, ſo much as in us lieth, is to give them all poſſible help. Yet certainly fighting * will do them more good than faſting; and though I do not wholly diſavow the latter, yet I muſt tell you that the cuſtom of faſting every ſeſſion is but lately begun; and I confeſs I am not ſatisfied with the neceſſity of it at this time: yet, to ſhew you how ſmoothly I deſire your buſineſs to go on, eſchewing as much as I can queſtions of jealouſies, I do willingly grant your requeſts herein; but with this note, that I expect that this ſhall never hereafter be brought into a precedent for frequent faſts, except upon great occaſions; and for the form and time, I will adviſe with my lords the biſhops, and then ſend a particular anſwer to both houſes."

A report was made from the committee of religion, that a remonſtrance on that ſubject had been commanded away by the King, for want of which the committee could not proceed. Secretary Cook returned this remonſtrance to the houſe, with a meſſage from the King to the following purport: That he hoped they would proceed with tonnage and poundage, and give precedency to that buſineſs, to put an end to farther diſputes between him and ſome of his ſubjects. Sir Walter Earl moved, that religion ſhould have the precedency of all matters. "But let no man miſtake me, ſaid he, as if

* The recent examples of the expeditions to the Iſle of Rhe and Rochelle ſhew that fighting, under the management and directions of Charles and his miniſtry, had been of little ſervice to them.

Ann. 1628. I were leſs ſenſible of the violations of the ſubjects liberties than any man elſe that ſits here, whoſoever he be. No, Mr. Speaker, I know full well that the cauſe of juſtice is God's cauſe, as well as the cauſe of religion. But what good will thoſe rights and liberties do me or any man elſe that reſolves to live and die a Proteſtant? Nay, what good will they do any man that reſolves to live and die a freeman, and not a ſlave; if Popery and Arminianiſm, joining hand in hand, as they do, be a means, together with the Romiſh hierarchy, to bring in a Spaniſh tyranny among us? under which thoſe laws and liberties muſt of neceſſity ceaſe." The houſe aſſented to Sir Walter Earl's propoſal; and moreover, on a ſpirited ſpeech of Sir John Elliot, in which he affirmed, that their faith and religion were in danger by the late declaration publiſhed in the King's name *, they

* By the advice of Laud, the book of articles was re-printed and publiſhed, with a prohibition prefixed to them, that no doctrine ſhould be taught that differed in the leaſt from the ſaid articles. A declaration that follows this prohibition is what Sir John Elliot alludes to. The offenſive paſſage is as follows: "That we are ſupreme governors of the church of England; and that if any difference ariſe about the external policy, concerning injunctions, canons, or other conſtitutions whatſoever thereunto belonging, the clergy in their convocation is to order and ſettle them, having firſt obtained leave under our hand and ſeal ſo to do; and we approving their ſaid ordinances and conſtitutions, providing that none be made contrary to the laws and cuſtoms of the land. That out of our princely care that the churchmen may do the work which is proper unto them, the biſhops and clergy from time to time in convocation, upon their humble deſire, ſhall have licence under our broad ſeal to deliberate thereof, and to do all ſuch things, as being made plain by them, and aſſented to by us, ſhall concern the ſettled continuance of the doctrine and diſcipline of the church of England eſtabliſhed; from which we ſhall not endure any variation or parting in the leaſt degree."

From

came to a reſolution to make the following proteſta- Ann. 1628.
tion *: "We, the Commons now in parliament aſſem- Journals of Commons, vol. I. p. 924.
bled, do claim, profeſs, and avow for truth, the ſenſe of the articles of religion which were eſtabliſhed in parliament in the reign of our late queen Elizabeth, which by public act of the church of England, and by the general and concurrent expoſitions of the writers of our church, have been delivered to us; and we do reject the ſenſe of the Jeſuits and Arminians wherein they differ from us." On a ſecond meſſage from the King concerning the precedency of tonnage and poundage, Sir Thomas Edmunds, the treaſurer of the houſhold, attempted to advance the buſineſs, and reproved the Commons for their delay. He was ſharply anſwered by Mr. Coriton; and the houſe ſent up a kind of apology to the throne, in which they complained that there had been

Crew's Proceedings of Com. p. 41. & ſeq.

"From this declaration, ſaid Sir John Elliot, we are in danger to be ruined and overwhelmed. I beſeech you mark, the ground of our religion is in the articles. If there be any difference of opinions concerning the ſenſe and interpretation of them, the biſhops and clergy in convocation have a power admitted to them to do any thing which ſhall concern the continuance and maintenance of the truth profeſſed; which truth being contained in theſe articles, and theſe articles being different in the ſenſe, if there be any diſpute about that, it is in them to order which way they pleaſe; and, for aught I know, Popery and Arminianiſm may be a ſenſe introduced by them, and then it muſt be received." *Heylin's Life of Laud*, p. 188, *& ſeq.* *Crew's Proceedings of the Houſe of Commons*, p. 37.

* On biſhop Laud and Montague's being mentioned in the houſe as the adviſers of this declaration, Sir Humphry May, a privy-counſellor, ſaid, "That though theſe two men had been cenſured by the Commons as Arminians, yet they had on their knees before the King and council, with tears in their eyes, proteſted they hated theſe novelties." *Parl. Hiſt.* vol. VIII. p. 279.

an

Ann. 1628. an irregularity, contrary to their privileges, in the bringing in the bill of tonnage and poundage; that the frequent interruptions the King's meſſages occaſioned, forced them to ſpend time in framing apologies, which might be more profitably employed in ſervices of his majeſty and the commonwealth, a duty they had with all diligence applied themſelves to; and having found that religion was threatened with extreme danger, they thought, and ſtill continued to think, that they could not, without impiety to God, diſloyalty to his majeſty, and unfaithfulneſs to thoſe for whom they were put in truſt, retard their proceedings on this point, till ſomething was done to ſecure that which they preferred above their lives, and all earthly things whatſoever.

CHARLES, in his anſwer to this apology, affirmed, that he had a prerogative to recommend bills, but diſavowed Cook's offering that of tonnage and poundage in his name: he inſiſted on the ridiculous argument, that the Houſe of Commons were the aggreſſors in the quarrel between him and his ſubjects, ſince it was in their power to put an end to the diſpute, by giving him a right to what he was now obliged to take by violence; and preſſed the giving precedency to tonnage and poundage in preference to religion. Charles's diſavowal obliged the officious ſecretary to make an aukward excuſe to the houſe. He confeſſed, that he had ſaid his majeſty deſired the bill, and that he required it in his majeſty's name; but that he had made uſe of thoſe expreſſions to cut all diſputes ſhort. The ſpirited, judicious Sir John Elliot did not fail to make an advantage of this incident. "I find, ſaid he, his majeſty's ears open; and if theſe things

Parl. Hiſt. vol. VIII. p. 277, & ſeq.

things be thus as we ſee, that then he is not rightly counſelled. I am confident we ſhall render his majeſty an account of what he expecteth. But, Sir, I apprehend a difference between his majeſty's expreſſion and thoſe of his miniſters. Firſt, that bill was here tendered in his majeſty's name, and now we find that his majeſty diſavows it. What wrong is this done to his majeſty and this houſe, to preſs things in his ſovereign's name, to the prejudice and diſtraction of us all? I think him not worthy to ſit in this houſe." Sir John Finch, the ſpeaker, interfered in favour of Cook. His inſignificant character preſerved him from any farther attack; and the debates of the Commons turned on the King's declaration concerning uniformity in the doctrine of the church. Mr. Coriton ſaid, that it was to ſuppreſs the truth; and that, to the grief of all good men, the profeſſors of Arminianiſm had the preferments in the church. The pardons which had been granted to Mountague, Sibthorp, Manwaring, and Couſins *, were noticed in the houſe

Ann. 1628.

* Couſins had written a book for the ſuppoſed uſe of the counteſs of Denbigh, the ſiſter of Buckingham. She was ſuſpected of being much inclined to Popery. The book was intitled, "A collection of private Devotion, or the Hours of Prayer." There were in it prayers for the firſt, third, ſixth, and ninth hours, as alſo for the veſpers and compline, known by the name of canonical hours. On the frontiſpiece of this book was the name of Jeſus, figured in three capital letters [IHS] with a croſs upon them, encircled with the ſun ſupported by two angels, and two women praying towards it. This work was looked upon as a preparatory to uſher in the ſuperſtitions of the church of Rome. It was encountered by Prynne and Burton. Prynne charged it for being framed in general according to the horaries and primers of the church of Rome. Prynne dedicated this charge to the parliament, who cenſured Couſins as a churchman tainted with Popiſh opinions. *Heylin's Life of Laud*, p. 173, *& ſeq.*

with

Ann. 1628. with great diſapprobation: and it was ordered, that a ſub-committee ſhould have power to ſend for the records and privy-ſeal, and other incidents belonging to the pardon; that they ſhould ſend to the parties, and queſtion Mr. Attorney about his knowledge therein, and by whoſe inſtigation they were obtained. Mr. Attorney ſignified, that a warrant was ſent to him, under the King's hand, to draw a pardon; that after he had drawn it, the biſhop of Wincheſter ſent to ſee it, and interlined it; and whereas he had drawn it but for one, Mountague * put

* The houſe attempted to annul Mountague's conſecration, on ſome irregularities in the manner of it. It was an ancient cuſtom, that the election of all biſhops in the province of Canterbury was ſolemnly confirmed by the archbiſhop, or his vicar-general, in the court of the arches held in St. Mary's church in Cheapſide. At and before this confirmation, there was public notice given, that if any perſon knew any thing to object againſt the party elected, or the legality of his election, he ſhould come and tender his exceptions. This ſignification being made, as Mountague ſtood ready to be confirmed, one Jones, accompanied with many more, excepted againſt him, on account of the Popery, Arminianiſm, and other heterodoxies, for which his books had been condemned in parliament; and chiefly on account of the cenſures of that court, which had rendered him incapable of church-preferment. Brent, the vicar-general, had devolved his office for that time on Dr. Reeves, the King's advocate, who evaded the intention, by proceeding with the confirmation on pretence that the exceptions were deficient in point of form; viz. Not ſigned by the hand of an advocate, nor preſented by any of the proctors authorized to attend that court. This difficulty over, Mountague haſtened to his conſecration, which was performed at Croydon, Laud and Neile aſſiſting at it.

On theſe grounds the Commons objected to the legality of Mountague's conſecration; this they waved on a motion of Sir Henry Marten, who affirmed, that by the common law the proclamation ſhould only be at the cathedral-church of the dioceſe where the biſhop was to be elected; and that the dean, chapter, and clergy, were the only perſons

four in it; viz. himſelf, Couſins, Sibthorp, and Manwaring. On this occaſion, Oliver Cromwell, a member of the houſe, ſhewed how very active the biſhop of Wincheſter had been in the favour that had been ſhewn to Manwaring, and that he gave countenance to miniſters who preached flat Popery. Ann. 1628. Parl. Hiſt. vol. VIII. p. 289.

WHILST the Commons were on theſe matters of religion, an information was brought in from Mr. Rolls, that ſince his laſt complaint of the breach of the liberties of parliament, his warehouſe had been locked up by one Maſſey, a purſuivant; and that the day before he had been called forth from the committee in the Exchequer-chamber, and ſerved with a ſubpœna to appear in the Star-chamber; but the attorney-general had ſince ſent him word that it was a miſtake. The houſe voted this a breach of their privileges. Skemington, the meſſenger that ſerved the ſubpœna, was ſent for. Mr. Selden obſerved, that the ill-judged lenity they had hitherto ſhewn was the occaſion of the late affront *. The grievances of the other merchants were now enquired into. Sheriff Acton, who had behaved in a contemptuous manner, was ſent to the Tower. On this caſe, Mr. Selden Journals of Com. vol. I. p. 928. Crew's Proceedings of Com. p. 67, & ſeq.

ſons that could legally except. Beſides, added he, I conceive it is plain, that the King and the law have power to deprive him of his biſhopric, if he deſerve the ſame: therefore it were good to decline this diſpute for the preſent, and to ſeek to remove him. *Heylin's Life of Laud*, p. 185, *& ſeq.* *Parl. Hiſt.* vol. VIII. p. 285. *Fuller's Church Hiſt.* p. 131, *& ſeq.*

* Mr. Selden reported from the Committee appointed to examine this matter, that the proceſs againſt Rolls was made out by warrant under Mr. Attorney's own hand. *Journals of the Commons*, vol. I. p. 929.

 ſaid,

Ann. 1628. ſaid, he remembered when the houſe committed both the ſheriffs of London to the Tower for an abuſe of a leſs nature; only for countenancing a ſerjeant in an arreſt on a member of parliament, though they did acknowledge their faults at the bar, which this man had not done.

THE houſe next took into conſideration a petition of the bookſellers and printers, concerning their having been purſuivanted for printing orthodox books; and that licenſing of books was now reſtrained to the biſhop of London and his chaplains. Mr. Selden moved, that a law might be made to remedy this evil. He ſaid, that there was no law in England to prevent the printing of any book, and no other authority for ſuch a reſtraint but a decree of the Star-chamber. That a man in this caſe ſhould be fined, impriſoned, and have his goods taken from him, was a great invaſion on the liberty of the ſubject. Mr. Kirton obſerved, that Couſins had cauſed the book of Common-Prayer to be newly printed, and had changed the word Miniſter into the word Prieſt; and had put out, in another place, the word Elect *; that his lordſhip the biſhop of Wincheſter, though he had leaped through many biſhoprics †, yet he had left Popery behind him in every one. A complaint was preferred againſt this prelate by one Dr. Moore, who reported that the biſhop had told him, that times were altered; that

Journ. Com. vol. I. p. 930. Parl. Hiſt. vol. VIII. p. 293.

* A ſelect committee was ordered to take conſideration of the differences in the impreſſion of the thirty-nine articles, eſtabliſhed by act of parliament, 13 Eliz. *Journals of the Commons*, vol. I. p. 926.

† Rocheſter, Litchfield and Coventry, Lincoln.

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he muſt not preach againſt Papiſts now; that he, Moore, had a brother that preached againſt bowing at the name of Jeſus, which he liked not; and that the communion-table ſtood as in an alehouſe, but he would have them ſet as high altars. Ann. 1628.

THE houſe began to grow warm on this ſubject of religious grievance: "If we ſpeak not now, ſaid Sir Walter Earl, we may for ever after hold our peace; when, beſides the Queen's maſs, there are two other maſſes daily in the Queen's court; ſo that it is grown common in diſcourſe, Will you go to maſs? or, Have you been at maſs in Somerſet-Houſe? there coming five hundred at a time from maſs. I deſire it may be known by what warrant the Jeſuits, lately in Newgate, were releaſed?" Mr. Coriton moved, that the King's late declaration might be taken into ſerious conſideration. Sir Richard Groſvenor, after having related the proceedings againſt Popery laſt ſeſſion, with the King's ſeveral promiſes on that head, ſhewed, that all the evils then complained of were not leſſened but increaſed. "To theſe griefs and diſcouragements, added he, I find an addition of that nature that threatens the very ruin and deſolation of us all: This is the countenancing and preferring of a plotting, undermining, and dangerous ſect of upſtart divines. You remember, Mr. Speaker, what care and pains this houſe took (as a matter of great conſequence) to frame a charge againſt Mountague; yet was this man, ſhortly after the ending of the ſeſſions, dignified with the ſacred title of a biſhop; and biſhop of that ſee wherein his predeceſſor * (a grave and orthodox prelate) had laboured, both by his pen and doctrine, to ſtrangle thoſe errors

Parl. Hiſt. vol. VIII. p 293, & ſeq.

* Carleton.

Ann. 1628. errors and confute Mountague. Another alſo of his own profeſſion, little better than himſelf, I mean time-pleaſing Manwaring, hath alſo taſted extraordinary favour. This man attempted to make his holy function a means to ſeduce the King's conſcience, to miſguide his judgment, to disjoint his affection from his people, to avert his mind from calling of parliaments: the particulars of his damned doctrine are yet freſh in our memory. They that go about thus to ſeduce and corrupt a prince deſerve to be hated of all men, as much as thoſe that attempt to poiſon a public ſpring or fountain, of which all drink. For this offence he received a juſt but moderate cenſure. One particular was, that he ſhould be diſabled for ever from holding any eccleſiaſtical dignity in the church: Yet was this man, immediately after our riſing, releaſed from his impriſonment; obtained his pardon in folio; was preferred to a rich living, and (if ſome ſay true) cheriſheth aſſured hopes of dignity in the church. If theſe be ſteps to eccleſiaſtical preferments, God be merciful to thoſe churches that fall under the government and feeding of ſuch a clergy."

SIR Robert Philips ſaid, that the increaſe of Papiſts was by connivance from perſons in authority; that nine hundred and forty of Engliſh, Scots, and Iriſh Papiſts, were maintained in the Netherlands by their brethren in England.

AN order paſſed, that all members of the houſe who had any letters, or copies of letters, written for ſtay of proſecution for proceeding againſt Papiſts, ſhould bring them into the ſub-committee for religion. Mr. Coriton moved,

moved, that they ſhould, by ſome law or act of ſtate, remove from their offices thoſe Papiſts which they had juſt cauſe to ſuſpect. On a motion of Mr. Selden's, the houſe went on an enquiry concerning an undue releaſe of ſome Jeſuits that had been arraigned at Newgate, and had formed themſelves into a ſociety at Clerkenwell. In this caſe, ſecretary Cook, who, though an arrant court-tool, ſeems to have been very averſe to the profeſſors of Popery, gave a detail of theſe Jeſuits, that inflamed the reſentment of the houſe on account of the favour which had been ſhewn them. In the courſe of this enquiry, the attorney-general, the earl of Dorſet, and the lord-chief-juſtice of the Common-Pleas *, fell under ſevere cenſures. Ann. 1628. Journals of the Commons, vol. I. P. 932. * Richardſon.

NOTWITHSTANDING the warmth of theſe debates on religious grievances, the Commons did not forget the important point of privilege, and the illegal violence which had been uſed in exacting tonnage and poundage. At a grand committee on this queſtion, Mr. Coriton moved, that the goods which had been taken from the merchants, ſhould be reſtored to them before they went upon that bill. "Kings, ſaid he, ought not, by the laws of God, to oppreſs their ſubjects. I know we have a good king, and this is the advice of his wicked miniſters; but there is nothing can be more diſhonourable to him." Mr. Waller obſerved, that there was not fewer than five hundred merchants threatened in this dealing. Mr. Noy ſaid, that they could not ſafely give, unleſs they had poſſeſſion, the proceedings in the Exchequer nullified, alſo the informations in the Star-chamber, and the annexations to the Petition of Right. "I will not

Ann. 1628. not give my voice to this bill, added he, unleſs theſe interruptions be declared in it. That the King hath no right but by our free gift: If it will not be accepted as it is fit for us to give, we cannot help it. If it be the King's already, as by their new records it ſeemeth to be, we need not give it." Mr. Selden ſeconded a motion of ſending a meſſage to the Exchequer. He mentioned a precedent of a meſſage ſent into the Chancery for a ſtay of proceedings, and that the meſſage was obeyed. "What anſwer ſoever the judges return, adds he, it cannot prejudice us: the law ſpeaks by the records; and if theſe records remain, they will to poſterity preſerve the law." "For the point of right, ſaid Mr. Littleton, there is no lawyer ſo ignorant to conceive it, nor judge of the land to affirm it: I am againſt giving to the King, or going on with the bill. In this caſe, by the law, a man cannot be put to a petition of right, but ſhall recover without petition." "The merchants, ſaid Sir John Elliot, are not only kept from their goods by the cuſtomers, but by a pretended juſtice. I conceive, if the judges of that court of Exchequer had their underſtandings enlightened of their error by this houſe, they would reform the ſame, and the merchants thereby come by their goods." The reſult of the debate was a meſſage ſent to the court of Exchequer, requiring them to make void their orders and affidavits in the buſineſs of the merchants.

Journals of the Com. vol. I. p. 929.

On a motion of Sir John Elliot, concerning the privilege of merchants, the houſe paſſed an order that a man having a plaint depending there, he ſhould be privileged in his perſon, though not freed from ſuits; and that an intimation ſhould be given the lord-keeper, that no

no attachment ſhould go forth againſt the merchants *, during the privilege granted them in parliament. The barons of the Exchequer returned an anſwer, in which they inſiſted that their proceedings had been regular; that they did not determine, nor any ways trench upon, the right of tonnage and poundage; that they had declared the ſame openly in the court at the making of thoſe orders; that they had not, by the ſame orders and injunctions, barred the owners of the ſaid goods to ſue for the ſame in a lawful courſe; but that writs or plaints of replevin was no lawful action or courſe in the King's cauſe, nor agreeable to the prerogative †. On the report of this meſſage, the houſe came to a reſolution to ſend for Sir John Wolſtenholme, Daws, and Carmarthen, the three farmers of the cuſtoms, to their bar. Daws informed them, that the King, a few days before, had ordered him to make no other anſwer but that the goods were taken for ſuch duties as were due in king James's time. Sir John Wolſtenholme pleaded the ſame command; but moreover ſaid, that he ſought not to farm the cuſtoms; and had told the King, being ſent for, that he was not willing to deal therein, until the parliament had granted it. The other two acknowledged the ſeizing the goods, though they knew that Rolls was

Ann. 1628.

Crew's Proceedings of the Houſe of Commons, p. 96, & ſeq.

Parl. Hiſt. vol. VIII. p. 310, & ſeq.

* An information had been preſented againſt Mr. Chambers for refuſing to pay tonnage and poundage, while his petition of relief was lodged in parliament. *Journals of the Commons*, vol. I. p. 931.

† Oldmixon makes a very apt remark on this anſwer of the barons of the Exchequer: "That the merchants had been impriſoned and plundered for refuſing to pay a tax which the judges durſt not determine they ought to pay." *Oldmixon's Hiſt. of the Stewarts*, fol. ed. 1730, p. 104.

a par-

Ann. 1628. a parliament-man. They all three ſaid, that they did not conceive any privilege of the parliament to lie againſt the King * in that caſe.

THE houſe ſoon put the King's name out of the queſtion, and fell into a high debate concerning their privileges. Mr. Littleton argued, that all privileges were allowed for the benefit of the commonwealth; that the parliament's privilege was above any other, and the parliament could only decide on the privilege of parliament, not any other judge or court; that there was a law that made it high treaſon to kill a parliament-man; and that all privilege was good, unleſs in caſes of high treaſon, felony, or breach of the peace. Sir John Elliot declared, that the commonwealth received life from the privileges of the Houſe of Commons.

Parl. Hiſt. vol. VIII. p. 313.

IT was reſolved on the queſtion, that Mr. Rolls ſhould have privilege of parliament for his goods ſeized the

* On the examination of the cuſtomers, the King's warrant was read in the houſe. "Whereas the lords of the council, taking into conſideration our revenue, and finding that tonnage and poundage is a principal revenue of our crown, and hath been many ages, have therefore ordered, &c. Know ye that we, by the advice of the lords of our council, do declare our will hereby, that all thoſe duties be levied and collected as they were in the time of our ſaid father, and in ſuch manner as we ſhall appoint. And if any perſon refuſe to pay, then our will is, that the lords of the council, and the treaſurer, ſhall commit to priſon ſuch ſo refuſing, until they conform themſelves. And we give full power to all our officers to receive, levy, and collect; and we command our barons and officers from time to time to give all aſſiſtance to the farmers of the ſame, as fully as when they were collected by authority of parliaments."

thirtieth

thirtieth of October *. When they were going to proceed on the delinquency of the farmers of the cuſtoms, they were interrupted by ſecretary Cook, who told them from the King, that what had been done by his farmers and officers of the cuſtoms had been done by his own direction and commandment; and therefore he could not in this ſever the act of his officers from his own act; neither could his officers ſuffer for it, without high diſhonour to majeſty.

Ann. 1628. Journals of Commons, vol. I. p. 932.

THIS meſſage was received with ſuch indignation, that the Commons, with almoſt a general voice, cried out, "Adjourn, adjourn." On their re-meeting, on the twenty-fifth of February, after reading certain articles † Hiſtory of Charles, by H. L. p. 19.

* When the queſtion of privilege was argued, an order paſſed the houſe, that no member ſhould go out of town without leave, and every member after nine o'clock ſhould attend. *Journals of the Commons*, vol. I. p. 929.

† Among theſe articles were the following ones; viz. Erecting of altars; changing the uſual and preſcribed manner of placing the communion-table, and ſetting it at the upper end of the chancel, north and ſouth, in imitation of the high altars, adorning it with candleſticks, making obeiſance by bowing to it; commanding men to ſtand up at *Gloria Patria*; bringing men to queſtion and trouble for not obeying that command, for which there is no authority; enjoining that no women be churched without a veil; ſetting up of pictures, lights, and images in churches; praying towards the Eaſt; croſſing at *Omnem motum & geſtum*; the ſuppreſſing and reſtraints of the orthodox doctrine contained in the articles of religion, confirmed 13 Eliz.; publiſhing books, and preaching ſermons, contrary to the former orthodox doctrine; the preferring thoſe that are known to be unſound in religion, inſtance, Mr. Mountague made biſhop of Chicheſter; the late biſhop of Carliſle advanced to the biſhopric of Norwich; a known Arminian made biſhop of Ely; the biſhop of Oxford, a long-ſuſpected Papiſt, advanced to the biſhopric of Durham; Mr. Couſins advanced to dig-

Ann. 1628. concerning the dangers of Popery and Arminianism, they were farther adjourned, by the King's command, till the second of March.

Crew's Proceedings of Com. p. 145, & seq.

On this day, Sir John Elliot, after prayers were ended, addressed the house in the following manner: "The misfortunes we suffer are many: Arminianism undermines us; Popery comes in upon us. They mask not in strange disguises, but expose themselves to the view of the world. In the search of these, we have fixed our eyes not on the actors, the Jesuits and priests, but upon their masters, those that are in authority: thence it cometh we suffer; the fear of these makes our interruptions. You have some prelates that are their abettors; the great bishop of Winchester, we know what

nity and a great living; Dr. Wren made dean of Windsor, and one of the High-commission court. *Parl. Hist.* vol. VIII. p. 319, *& seq.*

Dr. Wren was one of the chaplains whom James sent into Spain to his son, as a man whose principles did not differ widely from the ceremonies of the Romish worship. The following curious articles are among the instructions that were given him relative to his office: That the room appointed for prayers should be adorned chapel-wise with an altar, fonts, palls, linen-coverings, demy-carpet, candlesticks, tapers, chalices, pattens, a fine towel for the prince, other towels for the household, a traverse of water for the communion, a bason and flaggon, two copes; that every one be uncovered at prayer, kneeling at due times, standing up at the name of Jesus; that the communion be celebrated in due form, with an oblation of every communicant, and admixing water with the wine; the communion to be as often used as it shall please the prince to set down; smooth wafers to be used for the bread; that they carry the articles of our religion in many copies, the books of Common-Prayer in several languages, store of English service-books, the King's own works in English and Latin. *Heylin's Life of Laud*, p. 106.

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he hath done to favour them. This fear extends to some others; the lord-treasurer, in whose person all evil is contracted, both for the innovation of our religion, and invasion of our liberties: He is a great enemy of the commonwealth. I have traced him in all his actions, and I find him building on those grounds laid by his master, the great duke: He secretly is moving for this interruption. And from this fear they go about to break parliaments, lest parliaments should break them. I find him the head of all that party, the Papists; and all the Jesuits and priests derive from him their shelter and protection. And I protest, as I am a gentleman, if my fortune shall be ever again to meet in this honourable assembly, where I now leave I shall begin again." Ann. 1628.

On this speech of Sir John Elliot, the speaker, fearing that the house would come to some spirited resolution, delivered from his chair a message from the King to adjourn till the Tuesday sevennight. Notwithstanding this interruption, Sir John Elliot offered a remonstrance on tonnage and poundage *. The popular members ob-

* This remonstrance, after shewing the illegality of taking tonnage and poundage without grant of parliament, ends in the following manner: "And therefore most humbly beseech your majesty to forbear any farther receiving the same; and not to take it in ill part from those of your majesty's loving subjects who shall refuse to make payment of any such charges, without warrant of law demanded; and as by this forbearance your most excellent majesty shall manifest unto the world your royal justice in the observation of your laws, so they doubt not but hereafter, at the time appointed for their coming again, they shall have occasion to express their great desire to advance your majesty's honour and profit." *Parl Hist.* vol. VIII. p. 330.

 jected,

Ann. 1628. jected, that it was not the office of the ſpeaker to deliver any ſuch command; that the adjournment of the houſe properly belonged to the houſe itſelf *; and after they had ſettled ſome things they thought convenient to be ſpoken of, they would ſatisfy the King. The remonſtrance on tonnage and poundage was again offered to be put to the queſtion; but the ſpeaker refuſed, ſaying, he was commanded otherwiſe by the King. This drew a ſharp reprimand from Mr. Selden. Sir John Finch, trembling, replied, that he had an expreſs command from the King, ſo ſoon as he had delivered his meſſage to riſe. On this he left his chair, but was drawn to it again by Mr. Hollis, ſon to the earl of Clare, and Mr. Valentine. Sir Thomas Edmunds, and other creatures of the court, endeavoured to free the ſpeaker; the popular party kept him in the chair, and Mr. Hollis ſwore he ſhould ſit ſtill till it pleaſed the houſe to riſe. "I do not ſay I will not, ſays the ſpeaker, ſobbing; I dare not. Do not command my ruin. I dare not ſin againſt the command of my ſovereign." Mr. Selden, with many ſtrong arguments, endeavoured to rouſe a ſenſe of virtue in him; but he ſtill refuſed, though with extremity of weeping and ſupplicatory orations, to proceed on his duty.

Of Kent. Sir Peter Hayman, a countryman and relation of his, told him, that he was ſorry he was his kinſman; that he was the diſgrace of his country, and a blot to his family; that all the inconveniences that ſhould follow (yea, their deſtruction) ſhould be derived to poſterity as

* The 12 and 18 Jac. the houſe reſolved, that it was in their power to adjourn or ſit. Sir Edward Coke ſaid, the King makes a prorogation, the houſe adjourns itſelf. A commiſſion of adjournment the houſe never read; but ſay, the houſe adjourns itſelf.

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the iſſue of his baſeneſs; that he would be remembered with ſcorn and diſdain; that ſince he could not be perſuaded to do his duty, he thought fit he ſhould be called to the bar, and a new ſpeaker choſen. Neither counſel, entreaty, nor threats prevailing, Mr. Hollis was required to read the following articles, as the proteſtation of the houſe; viz. * An. 1628.

Crew's Proceedings and Debates of the Commons, p. 157, & ſeq.

Proteſtation of the Commons.

"FIRST, Whoſoever ſhall bring in innovation in religion, or by favour ſeek to extend or introduce Popery and Arminianiſm, or other opinions diſagreeing from the true and orthodox church, ſhall be reputed a capital enemy to this kingdom and commonwealth. Secondly, Whoſoever ſhall counſel or adviſe the taking and levying of the ſubſidies of tonnage and poundage, not being granted by parliament, or ſhall be an actor or inſtrument therein, ſhall be likewiſe reputed an innovator in the government, and a capital enemy to this kingdom and commonwealth. Thirdly, If any merchant, or other perſon whatſoever, ſhall voluntarily yield or pay the ſaid ſubſidies of tonnage and poundage, not being granted by parliament, he ſhall likewiſe be reputed a betrayer of the liberty of England, and an enemy to the ſame."

AFTER the paſſing theſe proteſtations the houſe roſe †.

* The clerk, after the example of the ſpeaker, refuſed to read the articles, though he was commanded to read them by the houſe. *Parl. Hiſt.* vol. VIII. p. 327.

† On the cloſe of every one of theſe proteſtations the houſe gave a loud applauſe. *Saunderſon*, p. 131. *Parl. Hiſt.* vol. VIII. p. 332.

THE

Ann. 1628. THE King having heard that they had continued to ſit, notwithſtanding his command for the adjournment, ſent a meſſenger for the ſerjeant with his mace: The houſe ſtayed the ſerjeant, locked the door, and depoſited the key in the hands of one of their members. Not only this meſſenger, but Maxwell, the uſher of the black rod, having been denied entrance, Charles grew into a rage, and directed the captain of the penſioners and guards to force the door. The miſchief that this intended violence might have occaſioned, was prevented by the ſudden riſing of the houſe, which was adjourned to
3 March. the tenth of March. In the intermediate ſpace, Denzil Hollis, Eſq. Sir Miles Hobart, Sir John Elliot, Sir Peter Hayman, John Selden, William Coriton, Walter Long, William Stroude, and Benjamin Valentine, Eſqs. were ordered to appear before the council. Mr. Hollis, Sir John Elliot, Mr. Coriton, and Mr. Valentine, attended; but refuſing to anſwer out of parliament, they were committed
Impriſonment of ſeveral members. cloſe priſoners to the Tower. Warrants were at the ſame time iſſued for apprehending the reſt, and for ſealing up their ſtudies *.
Rym. Fœd. vol. XIX. p. 64.

* The following are the interrogatories and anſwers that paſſed on this occaſion at the council-board.

Mr. Hollis was aſked, why he, contrary to his former uſe, did that morning that the tumult was in the lower houſe of parliament, place himſelf above divers of the privy-counſellors by the chair? He anſwered, that he at ſome other times as well as then ſeated himſelf in that place; and as for his ſitting above the privy-counſellors, he took it to be his due in any place whatſoever, unleſs at the council-board; that he came into the houſe with zeal to do his majeſty ſervice; yet finding his majeſty was now offended with him, he humbly deſired, that he might rather be the ſubject of his mercy than his power. You mean

ON the tenth of March the King came to the houſe Ann. 1628.
of Lords, where, without the ceremony of calling the Journals of Lords, MSS.

mean rather of his majeſty's mercy than his juſtice, anſwered the lord-treaſurer. I ſay, of his majeſty's power, replied Mr. Hollis.

Sir John Elliot was queſtioned, whether he had not ſpoken ſuch and ſuch words in the lower houſe of parliament? and ſhewed unto the ſaid houſe ſuch and ſuch a paper? He anſwered, that whatſoever was ſaid or done by him in that place, and at that time, was performed by him as a public man, and a member of that houſe; that he was, and always would be, ready to give an account of his ſayings and doings in that place, whenſoever he ſhould be called unto it by that houſe; where, as he took it, he was only to be queſtioned.

Sir Miles Hobart being interrogated concerning his demeanor in the lower houſe of parliament, and for ſhutting the door? anſwered, that he deſired to know by what warrant he was examined to give an account in that place of his actions in parliament, being a member. He believed it was a courſe without a precedent. That no council nor commiſſion could take notice of any thing done in parliament, but a parliament itſelf. Nevertheleſs, he would not ſtick to confeſs, that it was he that ſhut the door that day, and when he had locked the door, he put the key in his pocket; and he did it becauſe the houſe demanded it.

Sir Peter Hayman was aſked, why he reproved the ſpeaker ſo ſharply? He anſwered, becauſe he was the ſpeaker, and ſo the ſervant of the houſe, and one that ought to have applied himſelf to the command of the houſe; he did it with the more freedom and deteſtation, becauſe he was his countryman; but yet ſhould have done it to any other man, that in the ſame kind ſhould have deſerved it as he did. On being farther demanded, what he would have done himſelf on being ſpeaker, and commanded by the King to deliver ſuch a meſſage to the houſe? he anſwered, he would have thrown himſelf at his majeſty's feet, and having given his majeſty to underſtand that, in reſpect of his office, he was the moſt improper and unfit perſon of any to deliver ſuch a meſſage; he would have moſt humbly ſupplicated his majeſty to have elected ſome other to have performed that part. *Parl. Hiſt.* vol. VIII. p. 354, *&c ſeq.*

The parliament was not diſſolved when theſe members were committed priſoners to the Tower. *Ruſhworth.*

Commons

Ann. 1628. Diſſolution of parliament.

Commons to the bar, he diſſolved the parliament *. In the ſpeech he made on this occaſion, he called the party in the oppoſition vipers; beſtowed great praiſes on his own adherents, and particularly on the houſe of Lords, whom he commended for a dutiful demeanour. Indeed, the behaviour of this body had been ſo pacific and inoffenſive, that in the whole courſe of this ſeſſion, during the ſpirited exertions of the Commons, their proceedings had been wholly confined to the framing a petition, concerning the old grievances of precedency to Scotch and Iriſh titles. This, they alleged, tended not only to the diſſervice and prejudice of his majeſty, but his realms. Charles ſent a civil denial to the petition; and theſe important pretenſions continued yet undetermined.

Parl. Hiſt. vol. VIII. p. 250, & ſeq. Journals of Lords.

Amongst the animated meaſures of the lower houſe that dignify the proceedings of this ſeſſion, the warm debates which the Commons had entered into on thoſe innovations in the doctrines and forms of religion which had been introduced by Laud, Neile, Manwaring, and other bigoted prieſts, has been ſeverely cenſured by ſenſible and candid writers.

Had this circumſtance been examined with that accuracy which the importance of it demands, theſe active patriots, who, to ſerve the beſt purpoſes, metamorphoſed themſelves into mere gownmen, would not only have been

* No acts paſſed this ſeſſion. A bill to enlarge the liberty of hearing the word of God was among thoſe that went through the lower houſe.

Ann. 1628.

been juſtified from acting on the narrow principles of religious bigotry, but would, from this exertion of their theological talents, appear poſſeſſed of an eſſential qualification neceſſary to form able legiſlators. Superſtition, that weakneſs inſeparable from the mind of man, has, from the firſt period of recorded time, been the quality the moſt fatally inſtrumental in degrading his nature to an abject, yet willing dependence, on the creature of his own rank; and overturning divine and moral law, has fixed an acknowledged inferiority where God has marked equality. Every eſtabliſhed form of worſhip has, for theſe reaſons, been ſubordinate to the purpoſes of policy; and the engine religion been uſed with never-failing ſucceſs to enſlave the many to the few, and to fix on the firm baſis of conſcience, tyrannies irreconcileable to the wiſdom of God, the dignity of human nature, and the welfare of mankind. Modes of faith powerfully operate on every government; and the eccleſiaſtical conſtitution of a country has an irreſiſtible influence on the political. We muſt conſider, therefore, theſe illuſtrious patriots as combating errors, which, however trivial they may appear on a ſlight view, yet carried with them alarming conſequences to Liberty. The eſſential points of faith in Arminianiſm or Puritaniſm had in them nothing repugnant to the freedom of the Engliſh conſtitution; but the followers of the former were ſtudiouſly bent to exalt the power of churchmen, and were wedded to thoſe forms and ceremonies that degrade the pure ſpirit of religion into an idolatrous worſhip of the objects of ſenſe; and convert that contemplation of the Creator, which elevates, refines, and enlarges the human mind, into an implicit ſubjection to the intereſted opinions of

Ann. 1628. men. In theſe reſpects, the innovations which the Arminians were daily making in the religious worſhip, was a proper object of parliamentary enquiry; and the diſcipline of the church was in its conſequences too important to be truſted to the direction of a prince who had, like Charles, evidently manifeſted an inclination to exalt the ſovereignty, not only beyond the ſpirit, but the forms of the conſtitution. In the firſt progreſs of the reformation, thoſe monarchies that had adopted the ſpeculative doctrine of the reformed churches, retained a great deal of that pomp of worſhip eſſential to the Popiſh ſuperſtition, and agreeable to the pampered ſenſes of princes: neither had they relinquiſhed ſubordination, nor that eccleſiaſtical ſervitude, that reſignation of private judgment, which is ſo favourable to civil tyranny. This was the ſtate of church-government in England after the Reformation had taken place; and, as I have elſewhere obſerved, it ſtrengthened the tyranny of the crown, by flinging into the ſcale of regal power that abſolute and unlimited juriſdiction which had been wreſted from the biſhop of Rome.

THOSE refugees who had taken ſhelter in the Low-Countries from the terrors of Mary's perſecuting ſpirit, brought with them, on their return to England at the acceſſion of Elizabeth, more enlarged and independent notions than were agreeable to the views of this arbitrary princeſs; and ſhe made uſe of that confidence the Proteſtants placed in her, and their fears of Popery, to erect anew the court of High-commiſſion. In the thirty-fifth year of her reign, ſhe ſo entirely maſtered a puſillanimous parliament, as to get an act paſſed, that all per-

ſons above the age of ſixteen, who were abſent from church a month, or who by word or writing declared their ſentiments againſt the eſtabliſhed religion, ſhould be impriſoned till they made an open declaration of their conformity. This if they refuſed during three months, they were to abjure the realm; and if they either refuſed ſuch abjurations, or ſtayed in England beyond the time limited, they were to ſuffer as felons, without benefit of clergy. Thus ſhe involved the Romaniſts and the Diſſenters under the title of Recuſants. Ann. 1628.

THE natural good ſenſe of the people of England, ſtrengthened by an increaſe of knowledge, could not long languiſh under this diabolical tyranny, without ſeeking a remedy from the powers of the conſtitution: And in James's firſt parliament, the lower houſe paſſed a bill againſt the eſtabliſhment of any eccleſiaſtical canons without conſent of Lords and Commons. The higher houſe, more open to James's cajolements, rejected the bill. Notwithſtanding this diſcouragement, the active vigilant ſpirit of the Commons exerted itſelf during the reign of this prince in ſuch a vigorous oppoſition to the ſpiritual juriſdiction of the crown, that this exertion, with the mild conduct of Abbot, and ſeveral other rational and amiable prelates, enabled men openly to aſſert the natural right of exerciſing their reaſon. The literary diſputes this occaſioned brought over great numbers to the cauſe of freedom. Charles and his prieſthood endeavoured to reſtrain the ſubjects in that liberty they had exerciſed during the reign of James, and demanded a rigid conformity to ceremonies which had been long laid aſide, and which

Ann. 1628. were at this time peculiarly obnoxious to the religious opinions of the greateſt part of the nation.

It was to theſe pretences that the Commons in this ſeſſions of parliament oppoſed themſelves with the joint force of reaſon and eloquence; and ſhewed that the eccleſiaſtical authority Charles claimed, the uſe of which he had already given a diſagreeable ſpecimen of, had been all granted by parliament; that it muſt be ſubordinate to the power that created it, and the abuſe of it liable to be corrected, and farther limited, by the after-reſolutions of that aſſembly *. The contempt which the abettors of tyranny affected to ſhew for the Houſe of Commons, had irritated this illuſtrious aſſembly, in ſeveral inſtances, into an undue exertion of their authority.

* The Commons in this ſeſſions declared, that the articles of Lambeth were the preſent eſtabliſhed doctrine of the church of England. Theſe were ſettled by the archbiſhop of Canterbury, and other biſhops and divines, aſſembled at Lambeth in 1595, on the following occaſion. Calvin's opinions of predeſtination, grace, and perſeverance, were then received as the only true orthodox doctrine, and ſo maintained in the ſchools of Cambridge, till Peter Baro, a Frenchman, taught in his public lectures a contrary perſuaſion. He was complained of by the heads of the univerſity unto Whitgift, the archbiſhop of Canterbury. He, aſſembling at Lambeth with Fletcher biſhop of London, and Vaughan elect of Bangor, agreed on nine articles to be ſent to Cambridge to compoſe the controverſies. Matthew Hutton archbiſhop of York, afterwards aſſented to theſe articles; but the jealous, tenacious Elizabeth was ſo offended with the prelates for not calling in her authority, that ſhe threatened to attaint them all of a premunire; and commanded Whitgift to call in and ſuppreſs the articles. They were produced by Dr. Reynolds in the conference at Hampton-Court, who ſtiled them the Nine Aſſertions Orthodoxall. *Sanderſon's Life of Charles*, p. 128, *& ſeq.* *Heylin's Life of Laud*, p. 204, *& ſeq.*

They

They cenſured Lewis, Witherington, and one Burgeſs, a prieſt, for trifling verbal offences *. Ann. 1628.

Sir John Eppeſly, a member of the Commons, deſired leave to anſwer a complaint againſt him in the higher houſe. Mr. Selden objected, that ſuch a conceſſion would affect the privilege of the Commons; that until the 18 king James there had never been ſuch a precedent †. The chancellor of the duchy and ſecretary Cook, though two conſummate courtiers, ſeconded Mr. Selden's motion. Secretary Cook ſaid, "I am as careful to maintain a good correſpondency with the Lords as any man; but connivancy in this kind may overthrow the fundamental rights and privileges of the houſe: Let it therefore be ſeriouſly conſidered of; for this not only concerneth the right of this houſe, but the liberty of the whole commonwealth." The reſult of the debate was, that Sir John Eppeſly ſhould not have leave to anſwer. Journ. Com. vol. I. p. 924. Parl. Hiſt. vol. VIII. p. 300.

The Commons took into conſideration a petition againſt lord Lambert, a member of their houſe; who being a colonel, had impoſed four-pence on every ſoldier

* Theſe kind of offences are ſeldom proved by undoubted teſtimony; and, if they are in themſelves criminal, are little formidable to juſt authority and upright government; ſince the multitude will be determined in favour of that which contributes to their own happineſs, and not biaſſed by the petulant opinions of a few prejudiced or ill-meaning citizens. There is not a more certain mark of an ill-deſigning or impotent adminiſtration, than attempts to reſtrain the liberty of ſpeaking or writing. Virtue in high places is ſure to gain the univerſal plaudit of mankind.

† The caſe that Mr. Selden refers to is the trial of Sir Giles Mompeſſon, a member of the Commons houſe.

towards

Ann. 1628. towards his officers charges. The petitioner refuſing to pay, was firſt ſet in the ſtocks, and after, by the lord Lambert, committed to a public priſon. Amongſt the number of complaints that were brought before the Commons this ſeſſions, one was preferred againſt the lord-deputy of Ireland and others, for appropriating the eſtate of the petitioner to their own uſes *.

Journals of Commons, vol. I. p. 931.

* The following black tranſaction will ſerve as a ſpecimen of the kind of barbarity and injuſtice practiſed at this time in the kingdom of Ireland. Sir Richard Graham, an officer in the army, got poſſeſſion of part of the lands of Phelim Mac Pheagh Byrne, lord of the Byrne's territory. On commiſſioners having been appointed by James to examine into this affair, Graham put a ſtop to their proceedings by undertaking to prove, that the crown was entitled to the lands; and a commiſſion was eaſily obtained, that empowered him, and others in his intereſt, to enquire into the ſaid pretended title. Sir William Parſons got the lord-deputy's warrant to put him in poſſeſſion of part of the lands, and ſued Bryan, the ſon of Phelim, in the Exchequer for thoſe of which he ſtill retained the poſſeſſion. Bryan maintaining his right, he and his brother, on the information of ſuborned witneſſes, were, on March 13, 1623, committed cloſe priſoners to Dublin-caſtle. One of theſe having refuſed to be an evidence, was cruelly tortured till he conſented to accuſe the two brothers. On the information of theſe witneſſes, two bills were preferred againſt them. Two ſeveral grand-juries, not finding the bills, were proſecuted in the Star-chamber, and fined. On king Charles's ſending an order to the lord-deputy to paſs the lands to Phelim and his ſon, a new proſecution was ſet on foot. The two brothers were committed cloſe priſoners to the Caſtle of Dublin, loaded with irons, without any diet from the crown, or leave for any friend to viſit and relieve them. The whole family was involved in one common accuſation of keeping company with, and relieving Marrogh Baccogh Kevenagh, who had been engaged in a rebellion. Eight men, who had incurred the penalty of the law, were the witneſſes. A grand-jury, conſiſting of men intereſted in the proſecution, was impannelled to try Phelim and his family. They found the bill; yet other witneſſes were neceſſary to the trial of the parties: to obtain theſe very illegal powers were exerted. People were tried and condemned by martial law, at a time when the courts of juſtice were ſitting: ſome of theſe were executed, and publickly declared, that they came to that fate becauſe they could not accuſe Phelim and his ſons. The friends of the perſecuted gentlemen made application in their behalf to the king and council in England: the chief of theſe friends who thus interpoſed was Sir Francis Anneſly, afterwards Lord Mountnorris. And this is the ground of the imputation laid upon him by Clarendon, of being an enemy to the deputies of Ireland. A commiſſion was directed to the lord-primate of Ireland, the lord-chancellor, the archbiſhop of Dublin, the lord-chief-juſtice, and Sir Arthur Savage, who taking the depoſitions of a great number of witneſſes, the truth of the above-mentioned circumſtances fully appeared. This reſtored the gentlemen to their liberty, but not to their eſtates; a conſiderable part whereof had been, during their impriſonment, paſſed to Sir William Parſons, by a patent dated the 4 Auguſt, 4 Car. *Carte's Hiſt. of the Life of James, Duke of Ormond*, fol. 1736. p. 27, *& ſeq.*

CHAP. II.

The King's declaration.——Proclamation.——Proceedings againſt the members of parliament.——Death and character of Sir John Elliot.——Peace with France.——Peace with Spain.——Engliſh conſul inſulted.——Tonnage and poundage levied with rigor.——Affairs of Ireland.——Meaſures to advance the hierarchy.——Perſecution of miniſters.——Leighton's cruel uſage.——Innovations in religious ceremonies.——Acts of power.——Impoſitions and monopolies.——Affairs of Germany.——Proclamations.——Acts of power.

THE violence uſed to the Houſe of Commons, and the commitment of the members during the ſitting of parliament, were outrages reſulting from the determinations taken previous to its meeting, by the intereſted individuals that compoſed the cabinet and privy-councils. Ann. 1628.

Of

Ann. 1628. Of this noxious tribe, Laud, Neile, and Weſton, the treaſurer, had moſt to dread from the enſuing ſeſſion. Laud in his Diary tells us, that the parliament broken up March 10th laboured his ruin. Weſton was particularly marked by Sir John Elliot as the object of an intended proſecution. It is ſaid that the King, as he was diſrobing after the diſſolution of the parliament, with much paſſion vowed, that he would never put on thoſe robes again. The court-paraſites every where declaimed againſt the reſpectable Houſe of Commons, as an aſſembly of pragmatical, factious demogogues; and the noble ſentiments of Liberty, which had animated their proceedings, were not at this time ſo generally diffuſed as to affect the public with a conſternation equal to their imminent danger, in being expoſed to the unreſtrained power of a projecting, wicked miniſtry. It is affirmed, that the courtiers at firſt were ſucceſsful in their endeavours, to make the vulgar believe, that the Commons were the aggreſſors, after the King had paſſed the Petition of Right. Notwithſtanding this diſcouragement, together with the loſs of that active patriot, Sir Edward Coke, through diſability from age and infirmities, and Sir Thomas Wentworth, through the means of bribery, the oppoſition kept firm. They were compoſed of the greateſt men England ever produced; well-founded in their principles; poſſeſſed of almoſt all the polite learning that was in the nation; intrepid in their conduct, from a conviction of the goodneſs of their cauſe; united in their counſels, from the ſincerity of their intentions; and not to be diverted by any difficulties from purſuing the laudable end they aimed at.

Laud's Diary, in the Breviate of his Life, by Prynne, p. 15.

Guth. p. 896.

SOME

Ann. 1628. Rushworth, vol. I. p. 662.

SOME people of the lower ſort, warm in the intereſt of the party, a few days after the diſſolution of the parliament, threw two papers into the dean of St. Paul's yard; one againſt Laud, to this effect: "Laud, look to thyſelf; be aſſured thy life is ſought, as thou art the fountain of all wickedneſs. Repent of thy monſtrous ſins before thou be taken out of the world; and aſſure thyſelf, neither God nor the world can endure ſo vile a counſellor or whiſperer to live." The other, againſt the treaſurer Weſton, was to the ſame purpoſe.

The King's declaration.

CHARLES attempted to vindicate to the public his illegal violent conduct in a declaration, ſetting forth his reaſons for diſſolving the parliament. They were frivolous and weak, full of aſſertions of his upright intentions, without reconciling one of his meaſures to the principles of the conſtitution, or the Petition of Right; replete with abuſive accuſations of the patriot party in the lower houſe; whilſt the matter of the accuſations ſhews, that the grievances of the nation could no otherwiſe be redreſſed than by the ſpirited exertion which it condemns. He acknowledges, that tonnage and poundage was ever enjoyed by the authority of parliament, and therefore it was agreeable to his kingly honour to take it without the authority of parliament. The Commons were charged with not obeying the adjournment immediately, and the King's power in that point ſuppoſed to be inconteſtable *. There is no mention of the immediate cauſe of

* The power of adjourning, tho' it had not been formerly diſputed, was a point of privilege that the Commons had by no means given up to the crown: their right had been aſſerted by ſeveral of the popular members, and never contradicted by a reſolution of the houſe.

Ann. 1628. their non-compliance; viz. a manifeſt breach of the freedom of parliament, in the ſpeaker's refuſing, by the King's expreſs command, to put the queſtion. The declaration finiſhes with an aſſurance of good government; but that to depend on the King, and not in the ſtrength, vigor, and goodneſs of the laws, to oppoſe a bad one. If Charles's moſt inveterate enemy had penned an acrimonious libel on his adminiſtration, it could not more fully have ſerved the purpoſe of ſowing the ſeeds of diſcontent, jealouſy, and reſentment, than this impolitic endeavour to reconcile the minds of the people to his tyrannical pretenſions.

Rushworth, vol. I. p. 660.

THE Commons not having been called up on the diſſolution of the parliament, a proclamation was iſſued to give notice to all the lords ſpiritual and temporal, knights, citizens, burgeſſes, and others concerned in the parliament, that they might depart about their needful affairs, without attending any longer in London. The declaration ſetting forth the reaſons for diſſolving the parliament had an effect ſo different from its intended purpoſe, that the people murmured highly for another; and ſaid, if there was not one preſently called all things would be unſettled, and out of order. On this a proclamation was iſſued for ſuppreſſing ſuch diſcourſes; that it was preſumption in any to preſcribe any time to his majeſty for parliaments, the calling, continuing, and diſſolving them, being always in the King's own power*; that his majeſty will be more inclinable to meet his

Rushworth, vol. II. p. 3.

Proclamation.

* Never was there a more bareſaced act of tyranny than this prohibition, ſupported by an aſſertion ſo notoriouſly falſe; the people, by two ſtatutes then in force, having a right to demand an annual parliament.

parliament

parliament again, when his people ſhall ſee more clearly into his intentions and actions; when ſuch as have bred this interruption ſhall receive their condign puniſhment, and thoſe who are mis-led by them, and ſuch ill reports as are raiſed upon this occaſion, ſhall come to a better underſtanding of his majeſty and themſelves *. Ann. 1628.

CHARLES was now determined to govern entirely by his council, and to raiſe money by his prerogative. To juſtify his proceedings againſt the impriſoned and abſconded members, the judges were aſſembled on the twenty-fifth of April, and certain reſolutions † extorted Ann. 1629.

* The courtiers were ſo emboldened by the King's openly avowing an intention to call no parliaments till the people were rendered ſubmiſſive to his will, that one Atkinſon having ſued a ſervant of the King, the earl of Montgomery, the lord-chamberlain, committed him for having done it without his leave. Atkinſon was delivered on his Habeas Corpus; and that very day Montgomery again committed him, in contempt of the court. Hyde denied to grant a warrant for another Habeas Corpus, but it was obtained from the reſt of the judges. Before its return, Atkinſon was diſcharged from priſon. *Whitlock*, p. 13.

† The queſtions put by the attorney-general, and dictated by Laud, with the reſolutions of the judges.

To the queſtion, "Whether if any ſubject hath received probable information of any treaſon, or treacherous attempt againſt the King and ſtate, that ſubject ought not to make known to the King, or his majeſty's commiſſioners, when thereunto he ſhall be required, what information he ſhall receive, and the grounds thereof, to the end that the King, being truly informed, may prevent the danger? And if the ſaid ſubject in ſuch caſe ſhall refuſe to be examined, or to anſwer the queſtions which ſhall be farther demanded of him, for farther enquiry and diſcovery of the truth, whether it be not a high contempt in him, puniſhable in the Star-chamber, as an offence againſt the general juſtice of the kingdom?"

Ann. 1629. from them, calculated not only to juſtify the proceedings of the miniſtry, but to awe any future parliament from

The judges anſwered, that it was an offence puniſhable as aforeſaid; ſo that it did not concern himſelf, but another, nor draw him to danger of treaſon or contempt by his anſwer.

" Whether it be a good anſwer or excuſe, being thus interrogated, to ſay, that he was a parliament-man when he received this information, and that he ſpake thereof in the parliament-houſe; and therefore, the parliament being now ended, he refuſed to anſwer to any ſuch queſtions but in the parliament-houſe?"

The judges gave a private anſwer to Mr. Attorney, that ſuch an excuſe was in nature of a plea, and not an error of judgment; therefore not puniſhable till over-ruled.

" Whether a parliament-man, committing an offence againſt the King or council, not in a parliament-way, might, after the parliament ended, be puniſhed?"

The judges anſwered, he might, if he be not puniſhed for it in parliament. They agreed, that he could not regularly be compelled, out of parliament, to anſwer things done in parliament in a parliamentary courſe; but it was otherwiſe where things were done exorbitantly, for thoſe were not the acts of a court.

" Whether if one parliament-man alone ſhall reſolve, or two or three ſhall covertly conſpire, to raiſe falſe ſlanders and rumours againſt the lords of the council and judges, not with intent to queſtion them in a legal courſe, or in a parliamentary way, but to blaſt them, and to bring them to hatred of the people, and the government into contempt, he be puniſhable in the Star-chamber after the parliament be ended?"

The judges anſwered, that the ſame was puniſhable out of parliament, as an offence exorbitant committed in parliament, beyond the office, and beſides the duty, of a parliament-man.

To the following queſtion put by Mr. Attorney, " whether if a parliament-man, by way of digreſſion, and not upon any occaſion ariſing concerning the ſame in parliament, ſhall ſay, the lords of the council and the judges had agreed to trample upon the liberty of the ſubject, and the privilege of parliament, he were puniſhable or not?" the judges deſired to be ſpared to make any anſwer, becauſe it concerned themſelves in particular. *Ruſhworth*, vol. I. p. 662, & *ſeq.*

diſputing

diſputing the will of the court. Judge Whitlock, notwithſtanding that he gave his aſſent with the reſt of his brethren, ſaid, if Laud went on to get previous determinations to juſtify all his arbitrary meaſures, he would kindle a flame in the nation. Chambers, for the words he had ſpoken at the council-board, that the merchants in England were more ſcrewed up than in Turkey, was fined in the Star-chamber 2000 l. and to acknowledge his offences at the council-board, the Star-chamber bar, and the Exchange. Notwithſtanding his plea that theſe words were only ſpoken in the preſence of the privy-council, and not abroad to ſtir up diſcord amongſt the people, and with no other view than to introduce his juſt complaints againſt the inferior officers, the fine was thought very moderate by this court: ſome of the members voted it to be 3000 l.; of this number was biſhop Laud. When the draught of the ſubmiſſion was read to Chambers, he thus ſubſcribed it: " All the aboveſaid contents and ſubmiſſions, I Richard Chambers, do utterly abhor and deteſt, as moſt unjuſt and falſe; and never till death will acknowledge any part thereof *." Chambers put in a plea in the court of Exchequer againſt paying the fine; that the ſaid fine was impoſed by the King and the council, and not by a legal judgment of his peers, nor by the laws of the land, nor according to the manner of his offence, nor ſaving his merchandize, &c. To this plea he annexed a petition to the lord-

Ann. 1629. Whitlock, p. 13.

Ruſhworth, vol. I. p. 670, & ſeq.

* The ſubſtance of the ſubmiſſion was as follows: That Richard Chambers having been convented before the lords and others of his majeſty's moſt honourable privy-council-board, did then and there, in inſolent, contemptuous, and ſeditious manner, falſely and maliciouſly ſay and affirm, &c. *Ruſhworth*, vol. I. p. 672.

chief-

Ann. 1629. chief-baron, and the other barons, humbly desiring the filing the plea, with other reasons, in the manner of a motion at the bar, because council would not move, plead, nor set hand to it. On the representation of Mr. Attorney, that this plea was frivolous, insufficient, and derogatory to the honour and jurisdiction of the Star-chamber, the court over-ruled it, and the petitioner was imprisoned six years for not submitting to the sentence of the court.

Proceedings against the members of parliament.

Whitlock, p. 13.

On Easter-Term Mr. Stroud and Mr. Long, two of the imprisoned members, brought their Habeas Corpus to be admitted to bail. The judges, intimidated by a warrant the King had sent under his own hand for their detention, remanded them *; but before the next term they

* Mr. Ask of the Inner-Temple was of council for Mr. Stroude, and Mr. Mason of Lincoln's-Inn for Mr. Long. Mr. Long argued, that the words in the warrant, "notable contempts against our government, and stirring up sedition against us," were too indefinite and general for the prisoners to be remanded on such a return; that there were in the law many contempts of different natures, which had different degrees of punishment: every contempt made to the King was notable against our government; and that it appeared not to the court of what nature the contempts mentioned in the King's warrants were; that besides, the King cannot imprison any man, because no action of false imprisonment lies against the King; that there were no such words in the law-books as Sedition, but taken adjectively, as seditious books, seditious news, &c.; that in the statute of the first and second of Philip and Mary, the penalty imposed on such sedition is but a fine. Here Mr. Ask quoted law-cases, to shew that a general accusation of a mutinous and seditious man was not adjudged actionable. Mr. Mason said, he would not argue the first warrant committed by the King and privy-council, because the insufficiency of such a return was claimed as an ancient right pertaining to the subject in the Petition of Right, whereto the King had given his consent. For the second warrant,

sent a letter to the King, in which they represented, that by their oaths they were to bail the prisoners; but Ann. 1629. Rushworth, vol. I. p. 665, & seq.

warrant, for stirring up sedition against us and our government: Sedition is not any determined offence within our law. Our law gives definitions and descriptions of other offences; to wit, of treason, murder, felony, &c. but there is no crime in our law called Sedition. Before the statute of Ed. III. cap. 2, it was not clear enough what was treason, what not; by which statute it is declared what shall be said treason; and that the judge shall not declare any thing to be treason that is not contained within the said statute; and that statute speaks not of sedition; nor the statute of the first of Hen. IV. cap. 10, which makes some things treason that are not contained within the said statute of 25 Ed. III. The statute of 1 Ed. VI. cap. 12, takes away all intervening statutes which declared new treasons; and the said act declares other things to be treason, but mentions not Sedition. Sedition is the quality of an offence, and is oftentimes taken adverbially or adjectively. Here Mr. Mason quoted law-cases to prove, that sedition was never taken as a substantive; and alleged, that the present case was clearly within the Petition of Right, in which Magna Charta and the statutes of the 25 and 28 Ed. III. were recited. The grievance there was, that divers have been imprisoned without any cause shewn to which they might make answer according to law; and upon this return nothing appeared to be objected to which he might make answer. It appears not what that act which is called Sedition is. This is the grief intended to be remedied by that statute. To this he cannot answer according to law: It appears not whether this were a seditious act, trespass, or slander, or what it was at all. Serjeant Barcklay argued for the King, that the return was sufficient in law to detain them in prison; that the case was not so general as it had been made, but particular upon this particular return. To the objection, that the commitment was by the lords of the privy-council, and the signification of the cause by the King—That the lords of the council do it by the command of the King, and they only pursued his command. To the objection, that Markham said to king Edward IV. that he cannot arrest a man for suspicion of treason or felony, because if he do wrong the party cannot have his action—That the book there is to be understood of a wrongful arrest, for there is spoken of an action of false imprisonment; and a wrongful arrest cannot be made by the King.

To

Ann. 1629. thought fit, before they did it, or publiſhed their opinions therein, to inform his majeſty thereof, and humbly to adviſe him, as had been done by his noble progenitors in the like caſe, to ſend a direction to his juſtices of the bench to bail the priſoners. Charles told the judges, that he was diſſatisfied with the contents of their letter, and ordered them to take no ſtep in bailing the priſoners till they had adviſed with the judges of the other benches. During this delay, the priſoners were removed into other priſons; the King ſending a letter to the judges to acquaint them, that the removal was occaſioned by their inſolent carriage at the bar of the Star-chamber, and at the bar of the King's-Bench *.

To the objection, that the return was general and uncertain—That the council of the other ſide had divided the words of the return. Notable was a word obſervable in the law; and that though ſedition in itſelf might be a general offence, yet ſedition againſt us and our government made it particular; that there were many writs more uncertain than this return, and yet good; that the writ concerning the taking an apoſtate was general, yet there were ſeveral ſorts of apoſtacies; that on the writ concerning the remove of lepers the words were general, yet there were two kinds of lepers. To the objection, that by the ſtatute of 25 Ed. III. the parliament ought only to determine what was treaſon, what not—That upon the ſaid ſtatute the poſitive law had always made explication and expoſition. It was fit to reſtrain the priſoners of their liberty, that the commonwealth might not be damnified. It was lawful to pull down a houſe to prevent the ſpreading miſchief of fire. It was lawful to reſtrain a furious man. *Ruſhworth*, vol. I. *Appendix*, p. 18, *& ſeq.*

* The firſt day of Trinity-Term, Mr. Selden having been brought on an Habeas Corpus to the bar of the King's-Bench, Mr. Littleton argued, that the cauſe of the return being the ſame which had been brought with the other priſoners, it was inſufficient, and againſt the Petition of Right; that in the warrant of the King, as certified by the return, there was not a ſufficient cauſe for detaining the priſoner. For

It was not till Michaelmas-Term following, that Ann. 1629. Charles was brought to conſent that the priſoners ſhould

For the firſt part of it, "For notable contempts by him committed againſt ourſelf and our government." For contempts, all contempts are againſt the King mediately or immediately, and againſt his government. Notable is all one with notorious and manifeſt, as appears by the ſtatute of Weſtminſter 1, cap. 15, and 26 Ed. III. 71. Notable is but an emphatical expreſſion of the nature of the thing, and alters it not. "Againſt us." All riots, routs, batteries, and treſpaſſes, are againſt us, and againſt our crown and dignity. Contempt againſt our court of juſtice is a contempt againſt us. But if the return were, that he was committed for a contempt made in Chancery, the party ſhall be bailed, as it was reſolved in this court in Michael Apſley's caſe, and in Ruſwell's caſe, 13 Jac. Mr. Littleton quoted a good many ſtatutes and law-caſes to prove, that ſedition was not an offence of itſelf, but the aggravation of an offence; and no indictment was ever ſeen of ſedition ſingly by itſelf on the entire return. He ſaid, the King joined ſedition with notable contempts, mentioned in the firſt part of the return, ſo that it made it but a contempt. Here Mr. Littleton quoted the caſe of Peter Ruſſel, in the 9 Ed. III. who was bailed on a return of having committed divers ſeditions againſt the lord the king. "It has been affirmed, ſaid Mr. Littleton, that there can be no conviction as this caſe is, therefore there ought to be coercive power to reſtrain the priſoners. This is ſtrange news to me, that there ſhall be an offence for which a man cannot be convict. If there be no conviction, it hence follows there can be no offence; and if there be no offence, there ought by conſequence to be no puniſhment. The caſe of the 14 Henry VII. 8. hath been objected, that a juſtice of peace may commit rioters without bail. I confeſs it; for this is by force of a ſtatute that ordains it. It hath been objected, that if a houſe be on fire, it is lawful to pull down the neighbour's houſe for the prevention of farther miſchief: and the caſes of 22 Aſſ. and 22 Ed. IV. that every man may juſtify the coercion of a madman. I anſwer, that thoſe caſes are true, for of neceſſity, and no other evaſion: but here bail is proffered, which is body for body. Fire is ſwift, and cannot be puniſhed, and no caution can be obtained thereof. But obſerve the true inference and conſequence of this argument: If my houſe be on fire, my neighbour's houſe muſt be pulled down: Mr. Selden is ſeditious; *ergo*, Mr.

Ann. 1629. be bailed, provided they gave ſecurity for their good behaviour. This was a point of law in favour of the

Herbert, his neighbour, muſt be impriſoned. It hath been objected, that the caſe is out of the Petition of Right, becauſe in this return there is a cauſe ſhewed; but the grievance whereupon the Petition of Right was framed was where no cauſe was returned. It is true that the grievance goes no farther but where no cauſe was returned, for that was the grievance at that time; but the words of the Petition of Right are farther, without being charged with any thing to which they might make anſwer by the law, which implies, that ſuch cauſe ought to be contained in the return, which being put into an indictment, the party may have his anſwer thereto. It was objected, that the return ſhall not be conſtrued and expounded by fractions. I anſwer that we need not make ſuch an expoſition, for the joint conſtruction thereof makes more for us than the ſeveral, as is ſhewed before. It has been objected, that a general return is ſufficient, and that it need not have terms of art in it, as an indictment ought to have. For anſwer, I confeſs it; but I affirm, as above, that a return ought to be ſo particular that the nature of the offence appear out of it: and it is not to be compared to general writs, *Apoſtata capiendo*, *Idiota examinando*, *Lepros amovendo*, and the like; for thoſe writs are good enough, becauſe they contain the very matter. It hath been objected, out of 30 Aſſ. p. 19, that the King would have one drawn or hanged for bringing into England the bulls of the Pope; but the book anſwers itſelf, for he was not drawn or hanged. The ſtatute of Weſtminſter was objected; but as often as that ſtatute is objected, I will always cry out, The Petition of Right, the Petition of Right, as the king of France cried out nothing but France, France, when all the ſeveral dominions of the king of Spain were objected to him. I will remember one caſe, which perhaps may be objected, and ſo conclude: 11 Rich. II. Parliament-Roll 14, in the printed ſtatute, cap. 3 and 5, where it appears, that divers queſtions were propounded by the King to Treſilian and Bealknap, the two chief-juſtices, and to the other juſtices; one of which queſtions was, How they are to be puniſhed who reſiſt the King in exerciſing his royal power, &c.? The anſwer of the judges was, *una voce*, that they are to be puniſhed as traitors; and 2 Rich. II. cap. 21, this opinion was confirmed; but afterward, in the 1 Hen. IV. cap. 3 and 4, and 1 Hen. IV. in the Parl. Rolls, numb. 66 and 67, the judges

crown, which the judicious Mr. Selden, with a ſpirit Ann. 1629.
truly magnanimous, refuſed to aſſent to, ſince giving

judges being queſtioned for their opinion in parliament, they anſwered, that they were threatened and enforced to give it, and that they were, in truth, of the contrary opinion. Bealknap ſaid, that he proteſted aforehand to the earl of Kent, that his opinion was always to the contrary. The parliament was not content with theſe excuſes, and they were all adjudged traitors."

Sir Miles Hobart, Benjamin Valentine, Denzil Hollis, Eſqs; were at the bar upon an Habeas Corpus directed to the ſeveral priſons, and their council was ready to have argued the caſe; but the ſame return being made for them as was made for Mr. Selden, they all agreed to rely upon the arguments which had been urged by Mr. Littleton.

Sir Robert Heath, the attorney-general, argued, that the return was good, and that the priſoners ought not to be bailed; that the firſt general warrant by command of the lord the king was in former times held a very good return, when due reſpect and reverence was given to government—but, *tempora mutantur*; that this return was not weakened by any latter opinion: for notwithſtanding that, the firſt commitment of a man might be general; for ſhould the true cauſe be revealed to the gaoler, the complices of the fact might eſcape: but when the cauſe was returned in court, more certainty was requiſite; for then, as it had been objected, ſomething ought to be expreſſed, to which the party might make anſwer, and to this purpoſe the Petition of Right had been much inſiſted on; but the law was not altered by it, but remained as it did before. Here Mr. Attorney ridiculouſly and treaſonably aſſerted, that the King's declaration after the paſſing the Petition of Right, that he had granted no new, but only confirmed the ancient liberties of the ſubject, rendered it not effective in this caſe; and he ſhould conſider how the law was taken before the Petition. "It ſeems, ſaid he, that there is ſuch a crime contained in this return, which is a good cauſe for detaining the priſoner. It is true, that it was confidently urged in parliament in 3 Car. that general returns that were committed by the lord the King were not good, &c. and that thoſe arguments remain as monuments on record in the upper houſe of parliament; but I will not admit them for law; but I will remember what was the opinion in former times." Here Mr. Attorney quoted Newton, and ſaid, that the contrary opinion was grounded on Magna Charta, which was a general

Ann. 1629. bail for good behaviour was a puniſhment, and implied an offence, that yet remained to be tried and

law, and literally had no ſenſe to that purpoſe; that it was contrary to the uſual practice in criminal caſes, in which the impriſonment was always lawful until the trial, although made by a juſtice of peace or conſtable. Mr. Attorney quoted law-caſes, and ſaid, that there were innumerable precedents to this purpoſe; that it was the opinion of that court in 3 Car. that the law was not altered ſince, and he hoped the opinion of the judges was not altered. Mr. Attorney further argued, that ſedition was a word well known in the law, and of dangerous conſequence; that out of the ſtatutes enacted againſt treaſon, it appeared there was a narrow difference between it and treaſon, if there was any at all. To the objection, that the gentlemen had been a long time impriſoned, and no proceeding againſt them—"It is well known, ſaid Mr. Attorney, there have been ſome proceedings againſt them, and they declined them; and alſo, more than three months is requiſite for the preparations of ſuch proceedings; and the King intends to proceed againſt them in convenient time. If any injury be done to the priſoners, they themſelves are the cauſe of it, for not ſubmitting themſelves to the King. And for the inſtance which Mr. Littleton uſed, of the judges in the 2 Rich. II. although they ſuffered for their opinions given to the King, I deſire that the time when their opinion was delivered may be conſidered, to wit, in the time of Rich. II. and the time when they ſuffered, to wit, in the time of Hen. IV. And it was the ſaying of a noble gentleman, the lord Egerton, that Bealknap ſuffered rather by the potency of his enemies, than the greatneſs of his offence. And yet it is to be confeſſed, they might have given better counſel: But there was no time to diſpute the juſtneſs of their counſel, when the ſword was in the hands of the conqueror. It hath been relied upon the reſolution of all the juſtices in England in 34 Eliz. which reſolution is now regiſtered in the upper houſe of parliament, at the requeſt of the Commons, in *tertio Caroli regis*; but I leave it to you, as that reſolution ſhall ſway your judgment. The ſaid reſolution is, that the cauſe ought to be certified in the generality or ſpeciality: and here the general cauſe is certified at leaſt, if the ſpecial be not ſo. Upon the whole matter, the bailment of theſe priſoners is left to your diſcretion; and I have ſhewed to you the diſcretion of your predeceſſors: and if any danger appear to you in their bailment, I am confident that ye

proved *. The reſt of the priſoners, animated by Mr. Ann. 1629. Selden's example, determined to defend this conſtitutional point, at the expence of their perſonal liberties. On their refuſal to find bail for their good behaviour, they were remanded to the Tower, and an information lodged againſt them in the King's-Bench for ſedition and con-

ye will not bail them if any danger may enſue. But firſt you are to conſult with the King; and he will ſhew you where the danger reſts. Therefore, upon the whole matter, I pray that they may be remanded.

When the judges were ready to have delivered their opinions on the grand Habeas Corpus for Mr. Selden and others, the priſoners were not brought to the bar, according to the rule of the court: therefore proclamation was made for the keepers of the ſeveral priſons to bring in their priſoners. None of them appeared but the marſhal of the King's-Bench, who ſaid that Mr. Stroude, who was in his cuſtody, was removed yeſterday, and put in the Tower of London, by the King's own warrant. And ſo it was done with the other priſoners: each was removed out of his priſon in which he was before. Notwithſtanding this, it was prayed by the council of the priſoners, that the court would deliver their opinion for the matter in law. But the court refuſed to do that, becauſe it was to no purpoſe; for the priſoners being abſent, they could not be bailed, delivered, or remanded.

The laſt day of the term, a letter came to the court from the King himſelf, to inform the court concerning the reaſons wherefore the priſoners were not ſuffered to come at the day appointed, for the reſolutions of the judges; yet that Selden and Valentine ſhould appear the next day. About three hours after, the judges received other letters, intimating that neither Selden nor Valentine ſhould appear. *Ruſhworth*, vol. I. *Appendix*, p. 28, *& ſeq.* *Ruſhworth*, vol I. p. 680, *& ſeq.*

* The judges, to prevail with the priſoners to aſſent to this illegal demand, aſſured them, that one bail ſhould ſuffice, and all ſhould be written on one piece of parchment. They were every one ſo reſolute in their denial, that when Aſhly, the king's ſerjeant, offered his own bail for Mr. Hollis, who had married his daughter and heireſs, the court was obliged to reject it, becauſe Mr. Hollis refuſed to be bound in the obligation. *Baker's Chronicles*, p. 445. *Ruſhworth*, vol. I. p. 683.

tempt;

Ann. 1629. tempt; and againſt Mr. Long for that he, being choſen ſheriff of the county of Wilts, and by his oath to keep within his county, unleſs he had the King's licence to the contrary, yet he did come to parliament, and ſerve as a member there, and in the time of parliament reſided out of his county *. All the parties under proſecution excepted to the juriſdiction of the court. This exception in the caſe of Long was treated as a derogation of the juriſdiction of the court: He was ſentenced to be committed to the Tower, there to remain during the King's pleaſure, to pay a fine of two thouſand marks to the King's uſe, and to make humble ſubmiſſion and acknowledgment of his offence, both in the court of Star-chamber and to the King, before his enlargement.

* Mr. Long had been proſecuted for this offence in the Star-chamber. His plea there was, that the oath of a ſheriff to reſide in his county does not exempt him from obeying the king's command out of the county, when the king requires it; and that by the king's command in his higheſt capacity, he being choſen a member of parliament, was obliged, as well by the king's command as by a truſt repoſed in him by his county, to ſerve as a member of parliament.

Mr. Long's council might have added, that the queſtion had, in Sir Edward Coke's caſe, been determined in favour of the defendant; ſince on that patriot's having been made high-ſheriff of Buckinghamſhire, to impede his ſerving his country in parliament, he had nevertheleſs been elected a member, and his election had been reſolved to be good by the Houſe of Commons.

It is ſaid, that when Mr. Long's council pleaded ancient records to exempt members of parliament from the juriſdiction of that court in matters concerning the parliament, that biſhop Harſnet replied, "Don't trouble us with moth-eaten precedents; we ſit here not to be guided by precedents, but to make them."

To

To the other exceptions againſt the juriſdiction of the court, notwithſtanding that the council for the priſoners had proved, that there never was a precedent of ſuch offences having been puniſhed in that court, where any plea was put in, the judges agreed, that the court had juriſdiction, though the offences were committed in parliament; and that the members impriſoned ought to anſwer *. They ſtill refuſing to plead before the court, the following judgment was given againſt them upon a *Nihil Dicit:* Ann. 1629. Ruſhworth, vol. I. Appendix, p. 51. Ruſhworth, vol. I. p. 686. & ſeq.

"THAT every of the defendants ſhall be impriſoned during the King's pleaſure. Sir John Elliot to be im-

* The four judges were, the lord-chief-juſtice Hide, Whitlock, Crooke, and Jones. Hide gave an opinion, that offences committed in parliament might be puniſhed out of parliament, and no court more proper for that purpoſe than the court of King's-Bench. Jones argued, that the privilege of parliament did not hold in three caſes: treaſon, felony, and in ſuit for the peace; and that this laſt was the caſe in queſtion. To theſe arguments Whitlock added the following ridiculous diſtinction: That the preſent queſtion was between private members of the Houſe of Commons and the King, and not between the King and the parliament; that that which is done in parliament by the conſent of all the houſe, ſhall not be puniſhed elſewhere; but if any private members put off the perſons of judges, and cloath themſelves in the perſons of malefactors, they are ſeditious. Charles ſaid of Whitlock, that he was a ſtout, wiſe, and a learned man, and one who knew what belonged to uphold magiſtrates and magiſtracy. *Whitlock*, p. 11.

Juſtice Crooke, as abſurd as Whitlock, ſaid, that all offences againſt the crown were to be puniſhed in the court of King's-Bench. Indeed, what was done in a parliamentary way could not be puniſhed there; but what was done falſely and unlawfully could not be a parliamentary courſe, and therefore ſuch offences were puniſhable out of parliament.

priſoned

Ann. 1629. priſoned in the Tower of London, and the other defendants in other priſons.

"THAT none of them ſhall be delivered out of priſon, until he give ſecurity in this court for his good behaviour, and have made ſubmiſſion and acknowledgment of his offence.

"SIR John Elliot, inaſmuch as we think him the greateſt offender and ring-leader, ſhall pay to the King a fine of two thouſand pounds; Mr. Hollis a fine of two thouſand marks; and Mr. Valentine, becauſe he is of leſs ability than the reſt, ſhall pay a fine of five hundred pounds *."

* Whitlock informs us, that about this time ſome conſtables, and other men of low condition, were committed by the council; and bringing their Habeas Corpus, were removed from purſuivant to purſuivant, and could have no benefit of the law. The proceedings of the High-commiſſion court were carried ſo high, that one Huntly, a parſon in Kent, having diſobeyed an order to preach a viſitation-ſermon, was committed to priſon by the High-commiſſion court: the return on his Habeas Corpus being default in his canonical obedience, he was firſt bailed, and afterwards delivered upon this reaſon, becauſe breach of canonical obedience is an offence puniſhable by the ordinary, by eccleſiaſtical cenſures, and not by the commiſſioners eccleſiaſtical, by fine and impriſonment.

Huntly brought his action againſt the keeper, and ſome of the commiſſioners by name. The attorney-general moved, that the action might lay againſt the gaoler only, and not againſt any of the perſons of the High-commiſſion. The court ordered, that two of the commiſſioners ſhould anſwer. Laud inſinuated to the King, that it would much prejudice the authority of his High-commiſſion court, if the judges of it were expoſed to perſonal actions. Charles ſent his advocate, Dr. Ryves, to the lord-chief-juſtice, requiring him to proceed no farther in the cauſe till he had ſpoken with him. On the receipt of the mandate, the judges came to a reſolution, that a meſſage which commanded an indefinite ſtay of a cauſe between party and party, and might ſtop the courſe of juſtice as long as the King would, did not ſtand with their oaths. They farther declared the doctor to be no fit meſſenger, all meſſages from the King to them, in cauſes relating to the adminiſtration of juſtice, being uſually by the lord-keeper, or the attorney-general. On this, Charles ſent for the judges, and laid an expreſs command upon them, that they ſhould not put the commiſſioners to anſwer. The general odium excited by the power that theſe eccleſiaſtical officers had aſſumed, changed the ſubmiſſive diſpoſitions of the judges: they ſtoutly replied to the King, "That they could not, without breach of their oaths, perform his commands." It was determined after at the council-table, that the judges had done their duty, and that the commiſſioners ought to anſwer. *Kennet's Complete Hiſtory of England*, vol. III. p. 58. *Whitlock*, p. 12, 13.

THE impriſonment of theſe illuſtrious ſufferers was Ann. 1629.
long, their treatment under confinement rigorous and cruel: they were denied the uſe of pen and ink, and, even in their ſickneſſes, all communication with their wives and families. Under theſe oppreſſions died Sir John Elliot. It is the peculiar duty of hiſtory to do juſtice to injured and aſperſed virtue. The merits of Sir John Elliot demand a particular attention, as the firſt martyr to the pre-eminent cauſe of Liberty. It is, perhaps, the early exit of this undaunted patriot that has left his memory rather a prey to calumny, than diſtinguiſhed by thoſe ſtrong lines of virtue that marked the real man. Notwithſtanding the pains that monarchical writers have taken to wound his private character, they have never produced a ſingle anecdote againſt him, grounded on any good hiſtorical proof. In his public life, he eminently appeared an independent agent for the people, a faithful truſtee of that ſacred charge com-

Death of Sir John Elliot.

His character.

Ann. 1629. mitted to a repreſentative by his conſtituents, an intrepid aſſertor of the privileges of parliament, and a zealous defender of the liberty of the ſubject; determined in his oppoſition to the unconſtitutional pretenſions of the crown, and the arrogant and dangerous encroachments of favourites and miniſters. By this ſteady, manly conduct, he gained ſo much of the eſteem and confidence of the public, that from the year 1618 to the year 1628 he was always elected a knight of his county, or a burgeſs for ſome borough therein, to ſerve in all parliaments. The enemies to his virtues would inſinuate, that his ſpirited exertions in the cauſe of Liberty had no other ſource than private pique to Buckingham; but his animated conduct in the parliament ſucceeding the deceaſe of that favourite, evidently confutes that aſſertion. He poſſeſſed a bold, ſpirited, and nervous elocution, a lively imagination, and a ready wit *. He was a more

Wood Athenae Oxonienſes, fol. ed. 1721, vol. I. P. 543. Cornwall.

* There is in the Britiſh Muſeum a very valuable MSS. entitled, "The Monarchy of Man, a treatiſe philoſophical and moral, compoſed by Sir John Elliot," whilſt a priſoner in the Tower. The ſame ſpirit of liberty, the ſame juſt notions of government, animated the writer as animated the orator. After aſſerting, from Theodoſius and other authorities, that kings are ſubject to laws, he obſerves, "It is their majeſty, their honor, their exaltation, ſo to be: The reaſon is, that the law is the ground of all authority; all authority and rule dependent on the law." The following paſſage is a lively picture of the miſerable ſervitude of the times in which Sir John Elliot lived, and under the tyranny of which he died, with the ſmall proſpect there then was that this country would ever attain to that glory and freedom which it has ſince enjoyed. "The queſtion, whether laws have an influence on princes, is a queſtion involved in difficulties, as lying within that myſtery, the prerogative of kings, which is a point ſo tender it will hardly bear the mention: we may not handle it with roughneſs, leſt it reflect new beams of terror on ourſelves. If we turn our diſquiſition, and thus

forward leader of oppoſition than any of his cotempo- Ann. 1629.
raries, and the moſt daring champion for the public cauſe *."

thus ſtate it, What power the King has upon the laws? there is ſuch a confluence of flattery conducing to our prejudice; ſuch labour to make a monarchy unlimited, an abſoluteneſs of government without rule; ſo much affection, or corruption rather, ſpecified; ſuch diſtortion and perverſion of authorities to that end; learning made proſtitute to fallacy; religion turned to policy; Heaven brought down to earth; light transformed to darkneſs; as to attempt againſt it is now to row againſt the tide, againſt the ſtream and current of theſe times to ſeek a paſſage unto truth.——To confute thoſe who inculcate the doctrine of tyranny unto princes were not a taſk of hardneſs, if the danger did not exceed the trouble; but the infection of theſe times is incompatible with ſuch labours, when ſcarce the leaſt diſeaſe is curable." The treatiſe concludes with a panegyric on the independence of the mind: "The affections being compoſed, and the actions ſo directed, the perfection of our government, that *ſummum bonum* in philoſophy, the *bonum publicum* in our policy, the true end and object of the Monarchy of Man." *Br. Muſeum MSS.* numb. 2228.

N. B. This treatiſe contains 240 folio pages, fairly written, with this motto: *Deus nobis hæc otia fecit.*

* Wood, in his Hiſtory of Oxford-writers, tells us, that Sir John Elliot, after having ſtudied three years at the univerſity of Oxford, finiſhed his education at the inns of court, and was there made a barriſter. The ſtudy of the common law of England was, in theſe days, conſidered as a very neceſſary part of education for the men of fortune who aſpired to the honour of ſerving their country in the important function of members of parliament. Modern education is on a very different plan: the tour of Europe ſucceeds the univerſity, and completes the fine gentleman; whilſt his attention to faſhions, and to all the trifling parts of foreign manners, take place of the more drudging ſcience of the law, the ſtudy of politics, and the conſtitution of his country. To this change, perhaps, may be juſtly aſcribed part of thoſe misfortunes which are intirely imputed to the venality of the preſent times.

Ann. 1629. THE forementioned ſeverities practiſed on theſe gentlemen of reſolved and ſtubborn virtues, were not the only endeavours uſed to break and diſunite the party. Thoſe eminent parliament-men that were of a pliant temper were all preferred: Sir Dudly Diggs was made maſter of the rolls, Noy was made the King's attorney *, and Littleton his ſolicitor †.

CHARLES, wholly engaged in quelling the obſtinacy of his Engliſh ſubjects, and ſettling on a firm baſis his plan of arbitrary power, liſtened with pleaſure to pacific propoſals from the French court. Richlieu knew that both the Engliſh king and miniſtry were eager for peace; and though he had now entertained a project of diminiſhing the power of the houſe of Auſtria, and Lewis was on the point of being engaged in a war with Italy, yet he diſdainfully rejected the mediation of the king of Denmark and the States-General, agreed to by Charles, and inſiſted that the Venetians ſhould interpoſe their good offices between the two crowns. The articles of this treaty were trifling. The peace was concluded at Suſa, on the fourteenth of April, and publiſhed on the twentieth of May, before Privas, a Proteſtant town, at this time beſieged by the French king. On the ſame day Privas was ſummoned to ſurrender: it held out till the twenty-ninth.

Peace with France.

* Sir Robert Heath, the late attorney-general, was preferred to a judge's place, in the room of Sir John Walter, who was diſcharged from his ſervice becauſe he did not give a ſatisfactory anſwer to the queries concerning members of parliament. *Whitlock*, p. 16.

† It is ſaid, that Sir John Elliot had been tampered with, but that he was found proof againſt all temptation. *Rapin*, note, vol. X. p. 263.

THE

THE firſt fruits of the new-ſworn amity between the two monarchs was the importation of twelve capuchin friars to ſerve in the queen's chapel, and the releaſe of certain prieſts and recuſants, delivered to the French ambaſſador Chateauneuf, who came to receive Charles's ratification and oaths. The next meaſure taken by the miniſtry was to enter into a treaty of peace with Spain. The overture was made by Rubens, the Flemiſh painter, at the inſtance of the arch-ducheſs Eugenia. Don Carlos de Colonna was ſent from the court of Madrid into England to conclude the negociation. The views of Spain were at this time turned towards Italy and France; and the great object of the politics of the king of Spain's favourite, Olivares, was to humble Richlieu. Charles eagerly embraced a propoſal ſo propitious to the deſigns he had formed againſt his own ſubjects. The articles of the peace were ſigned at Madrid, the fifth of November, 1630. They only confirmed former treaties, and were equally diſgraceful as were the articles of the lately-concluded treaty with France. In the one, no ſtipulations were demanded in favour of the Hugonots, who, contrary to the moſt ſolemn promiſes of protection, were abandoned to the will of their ſovereign *; in the other,

Ann. 1629. Ruſhworth, vol. II. p. 25, & ſeq. Du Cheyne, p. 1226.

Peace with Spain.

* The duke de Rohan implored the performance of theſe promiſes in the following pathetic letter:

"Sir,

"The deplorable accident of the loſs of Rochelle, which God hath pleaſed to permit, to humble us under his hand, hath redoubled in the ſpirit of our enemies the paſſion which they have for our ruin, and the hopes to attain thereunto: but it hath not taken away from thoſe churches of the provinces that courage or affection of oppoſing, by a juſt and vigorous defence, their unjuſt deſigns. This is that which hath

Ann. 1629. no conditions were made for the Palatine, though his reſtitution was the only object of the war. Nor were

hath made them take up a reſolution, and aſſemble themſelves together, and to ſtand in a body amidſt thoſe commotions, to aſſiſt me with their good counſel, and provide with me means for their deliverance. And becauſe the moſt powerful mean which God hath raiſed them upon earth is the aid which our churches have received, and do expect from your majeſty, the general aſſembly have deſired that my letter (which ſolely hitherto repreſented the intereſt of the public cauſe) might be joined to the moſt humble ſupplication, which they repreſent. I do it, Sir, with ſo much the more affection, becauſe I am witneſs that this poor people breathe after your aſſiſtance, having once laid down their arms, which the oppreſſion of the enemy made ſo neceſſary; and, becauſe they knew it was your deſire, took them up again, when they learned that your majeſty obliged them to it by your counſel, and by your promiſes. Upon this ſole aſſurance, they have expoſed themſelves to all dangers, overcome all obſtacles, conſumed their goods, and are ſtill ready to ſpill their blood, even to the laſt drop. Your good will they have found more dear than their lives; and notwithſtanding the promiſes and menaces which their enemies have made uſe of to move them, they have not been induced to make any breach of thoſe oaths by which they were tied never to hearken to any treaty, but with your majeſty's conſent. All the churches of this kingdom, which are linked together to an unexampled fidelity, are glorious objects of your charity and power: you are, Sir, defender of that faith which they profeſs. Do not ſuffer it to be unjuſtly oppreſſed. You have ſtirred up their affections by your royal promiſes, and thoſe ſacred words, that your majeſty would employ all the power of your kingdoms to ſhield thoſe churches from the ruin that threatened them, and have been, next to the favour of God, the only foundation of their hopes. They thought it to be one of the higheſt crimes they could commit to doubt of the performance thereof. If the beginning of their miſeries hath moved your compaſſion, this ſad ſubject hath increaſed upon them with ſo much violence, that there is nothing but your aſſiſtance can prevent their abſolute deſtruction: for at this day the greateſt miſdemeanors which our enemies accuſe us of, and publiſh that it cannot be expiated but by our blood, is the imploring and hoping

the States conſulted in this pacific meaſure, tho' Charles had entered into a treaty with them to check the ambitious views of the Spaniſh monarch. Ann. 1629.

THE diſgraces which the Britiſh arms had lately ſuſtained, ſunk the reputation of England to ſo low an ebb, that ſhe was inſulted by all nations. In the port of

ing for your aſſiſtance. Our goods for this are confiſcated and deſtroyed; our farms deſolate and burned to aſhes; our heads expoſed to the block; our families baniſhed; our temples demoliſhed; and every where, where the cruelty of our ruinous enemies can extend, men and women beaten to maſs with ſtaves. In ſhort, the horror and perſecution we ſuffer is ſo great, that our words are too weak to expreſs them.

"Furthermore, we ſee even at our doors powerful armies, which only wait the time to deſtroy thoſe retiring-places that are left, and after that baniſh the exerciſe of religion, and maſſacre the faithful throughout the kingdom. Hereupon, if I ſhould entreat your majeſty not to abandon us, I fear by theſe words to offend a great king, ſo powerful and ſo faithful: but I will take upon me the boldneſs, by reaſon of our preſſing neceſſities, to ſupplicate your ready aſſiſtance to hinder our falling under the ſtrength of our enemies. Your majeſty need not ſearch elſewhere but in your own profound wiſdom and experience, to render your ſuccour redoubtable to thoſe that deſpiſe it, and advantageous to thoſe people that expect it. By this means you will gain the greateſt glory that can be deſired: You will free from fire and ſword 300,000 families, which pray to God continually for your proſperity; will preſerve a people whom God hath purchaſed by his blood, and have kept their faith towards God and man, amidſt the greateſt diſtractions and cruel ſufferings; will place the fidelity of your word, the reputation of your ſtate and your armies, in a point worthy of ſo much grandeur; and in checking the boldneſs of thoſe who undertake to blaſt it daily with unworthy reproaches, will add to your title that of the reſtorer of the moſt innocent people in the world, and the moſt inhumanly perſecuted." *Ruſhworth*, vol. II. p. 4, & *ſeq.*

Alexandria,

Ann. 1629. Alexandria, before the peace with France was concluded, four Engliſh men of war pillaged three ſmall veſſels of Marſeilles. On the complaint of the French conſul to the baſhaw of Aleppo, the Engliſh merchants were impriſoned, and their magazines and merchandize ſeized. Moreover, the grand vizier, at that time encamped at Aleppo, in his way to Babylon, ſent for the Engliſh conſul, and after uſing him with great indignity, ordered him to be hanged, with his interpreter. The interpreter was immediately put to death. The conſul, after having lain ſome time in a dungeon, obtained his life and liberty, at the price of 30,000 ducatoons. It does not appear, that this injurious outrage was ever reſented by the Engliſh court: The heroiſm of Charles and his miniſtry was totally confined to the triumphs they daily obtained over the laws and conſtitution of their country. The duties of tonnage and poundage were now preſſed with ſuch unremitting violence, that the opulent merchants began univerſally to take the alarm, which was greatly encreaſed by the ſeverity of the orders * iſſued from the council-board to that effect.

Ruſhworth, vol. II. p. 27, & ſeq.

Engliſh conſul inſulted.

Tonnage and poundage levied with rigor. Ruſhworth, vol. II. p. 8, & ſeq.

* That warrants ſhould be directed to the officers of the cuſtoms in the ports of London and elſewhere, to ſeize and detain the goods of any that ſhould attempt to land without warrant till the cuſtoms were paid; that ſuch merchant-goods as remained on ſhip-board be removed into ſtore-houſes at the cuſtom-houſe-quay, and, for want of room, into the Tower; to remain there till his majeſty's duties, and the freight due to ſhip-maſters, were ſatisfied. And whereas attempts were made, by replevin directed to the ſheriff of London, to obtain thoſe goods out of the ſtore-houſes, the meſſengers of the council were appointed to detain them in their keeping, and to apprehend and keep in ſafe cuſtody all perſons that ſhould make reſiſtance. Letters of command were ſent to the officers and magiſtrates of the ports of the kingdom, to aſſiſt the officers of the cuſtoms in caſe of oppoſition.

Another ſtrict order was made, enabling the meſſengers of the council to enter into any ſhip or veſſel, houſe, warehouſe, to ſearch in any trunk or cheſt, to break any bulk whatſoever, in default of the payment of cuſtoms; and to apprehend all perſons that ſhould give out any ſcandalous ſpeeches againſt his majeſty's ſervice, or cauſe any diſturbance.

To prevent the danger of a mutiny, directions were ſent to the lord-lieutenants of the reſpective counties, and to the lord-mayor of London, to put the militia on a formidable footing. The farce of proclamations and orders from the council-board againſt recuſants, was again played over, and the biſhop of Chalcedon was hunted out of England by the regular prieſts, who had for ſome time ſeverely perſecuted him; he was received and cheriſhed by cardinal Richlieu.

Ann. 1629.

Ireland abounded with ſuch enormous grievances, that an offer was made to Charles from that diſtreſſed people of a releaſe of 150,000 l. which had been borrowed of them, with a grant of three ſubſidies to be paid in three years, on condition that certain oppreſſions ſhould be redreſſed, and a parliament called to provide for ſuch things as ſhould be found neceſſary for the good of the commonwealth. The conditional favours that were granted the Iriſh on the acceptance of this offer, ſhew the illegality of the government that had been hitherto exerciſed over this people *.

Affairs of Ireland. Ruſhworth, vol. II. p. 16, & ſeq.

* In conſequence of the terms obtained from the Engliſh court by the Iriſh deputies, the following inſtructions were ſent to lord Falkland, then deputy, and to the council of Ireland: That proviſion ſhould be made againſt the laying any burthen upon the Iriſh for the

Ann. 1629. To the regulations, calculated for the general good and quiet of the realm, was added one in favour of Ro-

payment of ſoldiers, except in caſes of inevitable neceſſity; and againſt the granting protection to perſons againſt whom judgment had been given in any of the courts of law; to reſume, or limit in their exerciſe, ſeveral grants and patents for the ſelling of aqua vitæ, wine, and other commodities; regulations to be made in the commiſſions for reſtraining the oppreſſions of ſoldiers, in the manner of collecting the King's rents, of laying aſſeſſments for robberies, of granting reprieves to malefactors, of ſummoning grand-juries, and impoſing fines upon the abſent; the fees of officers of courts, ſheriffs, and clerks of the market, to be moderated; the number of provoſts-marſhal to be reduced to one in a province, their power reſtrained, ſo as not to execute any perſons that might be brought to a trial at law, unleſs in time of rebellion; witneſſes in private cauſes not to be bound over to the Caſtle-chamber, nor jurors to be bound over to any court, but upon very apparent ſuſpicions of corruption and partiality; cuſtodiums of lands granted upon out-lawries to be diſcharged immediately upon ſight of certificates of the reverſal thereof; the teſtimony of perſons notoriouſly infamous, and capitally convicted, not to be admitted for the condemnation of any ſubject, but under certain reſtrictions; ſpeedy juſtice to be done to the poor; the court of wards to be regulated; certain rules to be obſerved for the better diſcharge of the paſtoral care; certain indulgences to be granted for the advancement of trade, ſuch as the tranſporting out of the kingdom, tallow, hides, freſh beef, and pork in caſk, without licence; for the better ſecuring the ſubjects in the quiet enjoyment of their lands, the King to take no advantage of any title accruing to him antecedent to the term of ſixty years; the Scots of the undertakers in Ulſter to be made denizens, and all of them to be confirmed in their eſtates, on doubling their rents, and paying a fine of thirty pounds for every thouſand acres. To quiet the minds and ſecure the poſſeſſions of the lords, gentlemen, and freeholders of Connaught and Clare, they were admitted to inrol the ſurrender made in the laſt reign; and ſuch as had a mind to make new ſurrenders, were to have the ſame accepted and inrolled, and new patents paſſed to them. The lords and gentlemen of the province of Connaught and the county of Clare, had, on a compoſition, ſurrendered their eſtates into the hands of Elizabeth, but had neglected to inrol their ſur-

man Catholics; that the lawyers, and ſuch as held *in* Ann. 1629.
capite of the crown, ſhould be diſpenſed with in regard of the oath of ſupremacy, and, on their taking an oath of allegiance to Charles as lawful king of the realm, allowed to practiſe, and ſue their liveries *ouſter les mains*. On this and other indulgencies, the Popiſh party grew ſo aſſuming, that they openly profeſſed their religion in every part of Ireland. They founded a new univerſity at Dublin, to breed up the youth in an entire devotion to the Pope; erected friaries, monaſteries, and nunneries, and repleniſhed them with votaries; ſaid maſs in the churches, excommunicated thoſe who, even in matrimonial cauſes, applied to the Spiritual-court, and raiſed a tumult at Dublin on the magiſtrates attempting to apprehend an officiating prieſt. On the lord-deputy's iſſuing out a proclamation, commanding them to forbear the public exerciſe of their Popiſh rites, they carried their complaints to court againſt the government of Ireland. The King had the complaiſance to recal the deputy, Guthrie, vol. III.

ſurrender, and to take out letters-patent for them. Theſe were granted them in the thirteenth year of king James; but not being inrolled in Chancery, their titles were ſtill defective. This omiſſion was occaſioned by the neglect of a clerk entruſted by them. They had paid near three thouſand pounds to the officers at Dublin for the inrolment. Notwithſtanding that an act of ſtate had paſſed in their favour in the year 1618, and that they had paid great ſums of money for it, the crown entertained a project of reſumption. It was laid aſide on the danger that might accrue from making ſuch an experiment on a province, ſtrong from its ſituation, and from the number of its inhabitants. For a farther ſecurity to all the proprietors, their ſeveral eſtates to be confirmed to them and their heirs by the next parliament to be held in the kingdom, in which an act was to be paſſed for a general pardon. *Carte's Life of Ormond*, vol. I. p. 47, *& ſeq.*

Ann. 1629. and appointed Loftus the lord-chancellor, and the earl of Cork, the lord-treaſurer, to manage the affairs of that kingdom. Theſe, it is ſaid, had private orders to ſlacken the perſecution which was intended by the council of Ireland againſt the Roman Catholics.

Heylin's Life of Laud, p. 199, & ſeq.

Meaſures to advance the hierarchy.

WHILST, from the neglect or connivance of government, the Papiſts thus triumphed in Ireland, ſome important ſteps were taken to improve the hierarchical tyranny in England. Laud, and Harſnet archbiſhop of York, drew up a paper for the benefit of the church: after it had received the King's approbation, it was ſent to the archbiſhops, by them to be communicated to the biſhops of both provinces. It contained nine articles, called Regal Inſtructions: they are precautions againſt the Puritans, or any diſſenting from the doctrine approved of by authority. Laud wrote letters to all the archdeacons in his dioceſe, exhorting them to the performance of what the King required, at the peril of loſing his majeſty's favour, or whatſoever elſe might follow *.

* In conſequence of this exhortation, and the aforeſaid inſtructions, one Palmer, a popular miniſter, was ſilenced by the commiſſioners, on the accuſation of Dean, archdeacon of Canterbury, That he read prayers againſt the miniſtry's will, and not according to the canon; that in the catechiſing he took upon him to declare the King's mind in his inſtructions; that he had never heretofore read prayers, or uſed the ſurplice in the church; that he preached a factious ſermon in the cathedral-church, and detracted from divine ſervice there; that factious parties in all the pariſhes in the town were his auditors. Abbot, the archbiſhop of Canterbury, who diſliked the limitations concerning lecturers, in the King's inſtructions, with other articles tending to eſtabliſh Arminianiſm, and knowing the worth and innocence of Palmer, authorized him, and one Udnay, another ſilenced miniſter, again to preach, and inhibited the archdeacon from his juriſdiction. Many other miniſters were ſuſpended, and enjoined recantation, for lightly touching on any points contrary to Popery, or the new doctrine.

A patent having paſſed the great ſeal for a collection towards the relief of the exiled Palatine miniſters, Laud objecting to a particular clauſe in it, the patent was cancelled, and a new one granted, with the offenſive paſſage left out. The clauſe was as follows: "Whoſe caſes are more to be deplored, for that this extremity is fallen upon them for their ſincerity and conſtancy in the true religion, which we, together with them, do profeſs, and which we are all bound to maintain to the utmoſt of our powers; whereas theſe religious and godly perſons, being involved amongſt others their countrymen, might have enjoyed their eſtates and fortunes, if, with other back-ſliders, in the time of trial, they would have ſubmitted to the antichriſtian yoke, and would have renounced or diſſembled the true religion."

Prynne tells us, that when the patent with the above clauſe was ſhewed to Laud, he fell in a great paſſion, and proteſted, that were it not for his reſpect and engagement to the queen of Bohemia, the Palatine miniſters ſhould have no collection; that he could find in his heart to quaſh it; however, he would have a patent drawn in another form. After this, ſecretary Cook and the lord-keeper Coventry were ſent for to the King: They acquainted him, that the patent was made according to the former precedents; that they had his majeſty's hand and royal aſſent thereto; it had paſſed the great ſeal, and could not now be altered. To this the King anſwered, "It muſt be altered; the archbiſhop will have it ſo; draw another according to his mind." So great was this prelate's care leſt the Engliſh church ſhould be ſullied with the principles of the reformed religion, that on the prince palatine's coming into England in the year 1637, a declaration of the faith and ceremonies of the Palſgrave's churches being publiſhed, they were ſtrictly called in, and ſeized by the High-commiſſion purſuivants. *Trial of Laud, by Prynne*, p. 391, *& ſeq.*

Ann. 1629. As a reward to the miniſters of the city of York for their punctuality in obſerving the late inſtructions to the clergy, an addition was made to their yearly maintenance, by an arbitrary tax laid on the rent of houſes in York. Davenant, biſhop of Sarum, was called before the

Ann. 1629. the council, and ſeverely reprimanded for having, in a ſermon preached at court, ſlightly touched on the points prohibited in the King's declaration. The univerſity of Oxford vied with its rival, Cambridge, in complaiſance to the royal inclinations: on the death of the earl of Pembroke, which happened in the beginning of this year, they elected Laud their chancellor *, who ruled the

* There was not a general conformity among this learned body to the humours and deſigns of the court. Ford of Magdalen-college, Thorne of Baliol college, and Hodges of Exeter-college, being convented before the vice-chancellor Dr. Smith, for preaching againſt the King's inſtructions, appealed from him to the convocation: The proctors received the appeal. By the means of Laud, the matter came before the King and council, who paſſed a ſentence that Ford, Thorne, and Hodges, ſhould be baniſhed the univerſity, and that both the proctors ſhould reſign their offices. Dr. Prideaux rector of Exeter-college, and Dr. Wilkinſon principal of Magdalen-Hall, received a ſharp admonition for their behaviour in this buſineſs. The town of Plymouth ſhewing an intention to chuſe Ford their lecturer, they were required not to do it, on pain of the King's diſpleaſure, and the biſhop of Exeter was enjoined not to admit him in that capacity.

Mr. Hodges, on an abject ſubmiſſion in the following preſcribed form, was reſtored to the Univerſity: 1ſt, A public recantation-ſermon in St. Mary's church in Oxford, confeſſing his great offences in preaching contrary to his majeſty's declaration. 2dly, A ſubmiſſion and recantation in the convocation-houſe, before the whole aſſembly of doctors, proctors, &c. In this he was to acknowledge, that he fell upon the delivery of thoſe points which, by his majeſty's royal injunctions, were forbidden him to meddle with at all; and that he let fall ſome paſſages which might be taken to the diſparagement of the government of the church; for which offence he had deſerved the ſharpeſt of cenſures, and ſevereſt of puniſhments; and therefore his royal majeſty juſtly rewarded him for the ſame. He was to implore the pardon of the Univerſity in general, and more eſpecially of the moſt honourable chancellor of that Univerſity. *Ruſhworth*, vol. II. p. 110, *& ſeq.* *Heylin's Life of Laud*, p. 215. *Prynne's Trial of Laud*, p. 174, *& ſeq.*

con-

conſcience of his pious maſter with a deſpotic tyranny. Ann. 1629.
He was his ſpiritual and political guide, and from this circumſtance had an entire ſway in the High-commiſſion court, the Star-chamber, and the Privy-council; which laſt had now erected itſelf into an abſolute court.

Perſecution of miniſters.

Mr. Bernard, lecturer of St. Sepulchre's, London, preached a ſermon at St. Mary's in Cambridge, in which were ſome paſſages againſt the introducing of Pelagian errors, and Romiſh ſuperſtitions, into the church of England. On his refuſing to make a public recantation, penned for him, he was fined in the High-commiſſion court one thouſand pounds, ſuſpended from his miniſtry, condemned in coſts of ſuit, and committed to priſon, where he died: The conſequence of his impriſonment, it is ſaid, ſhortened his life. One Workman, lecturer in the liberty of Glouceſter, was, for the offence of preaching againſt images, ſuſpended from his office, excommunicated, ordered to make recantation of his erroneous and ſcandalous doctrine, condemned in coſts of ſuit, and impriſoned. The corporation of Glouceſter, approving much of this man for his diligent performing the duties of his function, had, on account of his great family, granted him an annuity of twenty pounds *per ann.* under their common ſeal. For this act of generoſity, Laud ſummoned the mayor, and other of the aldermen, before the council-table, as delinquents. The deed was cancelled, and two of the defendants fined ten pounds a-piece, though their council alledged, that the grant ought firſt to have been proved illegal, and the whole corporation, whoſe act it was, made parties to the ſuit. The unfortunate Mr. Workman, thus deprived

Prynne's Trial of Laud, p. 103, & ſeq.

of

Ann. 1630. of his annuity, having, after ſome months impriſonment, obtained his liberty, taught children in private: Laud forbid him to follow this occupation. He then practiſed phyſic for the ſupport of his family; but the mercileſs Laud prohibiting him this reſource, the diſtreſſed man ſunk under his poverty and affliction, and in a ſhort time died.

Leighton's cruel uſage.

THESE exceſſes, when compared to what follows, were but moderate abuſes of that abſolute ſovereignty which Charles had aſſumed, and delegated to Laud. Alexander Leighton, a doctor of divinity, a Scotſman, and a zealous Puritan, by the deſire of ſome of the party, had written and publiſhed a book, called, "Zion's Plea againſt Prelacy." It contained ſome warm, imprudent invectives againſt the prelates, and the conduct of thoſe in power. Soon after the publication of the work, without an information upon oath, or legal proof * who was the author, Leighton, as he was coming from church, was arreſted by two High-commiſſion purſuivants. They dragged him to the houſe of Laud, where he was kept till ſeven in the evening, without food. Laud returning home at this time in great pomp and ſtate, with Corbet biſhop of Oxford, Leighton demanded to be heard. The haughty Laud did not deign to ſee him, but ſent him to Newgate: He was clapped into irons, and confined in an uninhabitable apartment, where, notwithſtanding that the weather was cold, and the ſnow and rain beat in, there was no convenient place to make a fire. From Tueſday-night to Thurſday-noon,

* The book was printed beyond ſea.

noon, he was unſupplied with food; and in this infer- Ann. 1630.
nal dwelling was kept fifteen weeks, without any friend, not even his wife, being ſuffered to come near him. His own houſe was in the mean time rifled by the officers of the High-commiſſion court; his wife and child treated by theſe ruffians with great barbarity; himſelf denied a copy of the commitment; and the ſheriffs of London refuſed to bail him, on his wife's petition. At the end of the fifteen weeks, he was ſerved with a ſubpœna. Heath, the attorney-general, on an aſſurance that he ſhould come off well, extorted a confeſſion from him, that he was the author of the book. An information by Heath being lodged in the Star-chamber, he confeſſed the writing of the book, but with no ſuch ill intention as the information ſuggeſted. He pleaded, that his aim was to remonſtrate againſt certain grievances in church and ſtate, under which the people ſuffered, to the end that the parliament might take them into conſideration, and give ſuch redreſs as might be for the honour of the King, the quiet of the people, and the peace of the church. This anſwer not being admitted as ſatisfactory, the following cruel ſentence, by the unanimous conſent of all the members of this tyrannical court, was pronounced againſt him, though ſick and abſent: "That he ſhould pay a fine of ten thouſand pounds to his majeſty's uſe; and in reſpect that the defendant had heretofore entered into the miniſtry, and the court of Star-chamber did not uſe to inflict any corporal or ignominious puniſhment upon any perſon ſo long as they continued in orders, the court referred him to the High-commiſſion, there to be degraded of his miniſtry; that done, for farther puniſh-

Rushworth, vol. II. p. 55, & ſeq.

Ann. 1630. ment, and example to others, the delinquent to be brought into the pillory at Weſtminſter (the court ſitting), and there whipped; after his whipping, to be ſet in the pillory for ſome convenient ſpace; to have one of his ears cut off, his noſe ſlit, and to be branded in the face with S. S. for a ſower of ſedition; then to be carried to the priſon of the Fleet; and at ſome other convenient time afterwards to be carried into the pillory at Cheapſide upon a market-day, to be there likewiſe whipped, then ſet in the pillory, have his other ear cut off, and then be carried back to the priſon of the Fleet, there to remain during life, unleſs his majeſty be graciouſly pleaſed to enlarge him *." This ſentence was given at the end of Trinity-term. It was not till Michaelmas-term following, after the degradation, that it was put in execution. The evening before the intended day of ſuffering, Leighton eſcaped out of priſon. He was apprehended in Bedfordſhire, and brought again to the Fleet †.

On Friday, November the ſixteenth, part of his ſentence was executed in this manner: In the New-Palace-

* It is ſaid, that when this ſentence was pronounced, biſhop Laud pulled off his cap, and gave God thanks for it.

† Laud, the ſuperintendant of all the cruelties committed at this period, made on this incident the following memorial: "Leighton was degraded at the High-commiſſion, Tueſday the ninth of November. That night Leighton broke out of the Fleet. The warden ſays, He got, or was helped, over the wall; and moreover profeſſed, he knew not this till Wedneſday-noon: He told it not me till Thurſday-night. He was taken again in Bedfordſhire, and brought back to the Fleet within a fortnight." *Laud's Diary by Prynne*, p. 16.

Yard

Yard at Weſtminſter, in term-time, he was ſeverely whip- Ann. 1630.
ped, then put in the pillory, where he had one of his ears cut off, one ſide of his noſe ſlit, branded on one cheek with a red-hot iron with the letters S. S. and afterwards carried back again priſoner to the Fleet, to be kept in cloſe cuſtody. On that day ſevennight, his ſores upon his back, ears, noſe, and face, not being cured, he was whipped again at the pillory in Cheapſide, and there had the remainder of his ſentence executed upon him, by cutting off the other ear, ſlitting the other ſide of the noſe, and branding the other cheek. Dr. Leighton, in his own account of this horrid execution, adds, that the hangman was made half drunk, and enjoined to perform his office with ferocity; that he ſtood, after receiving the puniſhment of the laſh, almoſt two hours in the pillory, expoſed to froſt and ſnow, and then ſuffered the reſt; that being with theſe miſeries diſabled from walking, he was denied the benefit of a coach, and carried back to priſon by water, to the farther endangering his life. Elphinſton and Anderſon, two of his friends and countrymen, who helped to procure his eſcape, were for this act of humanity fined in the Star-chamber five hundred pounds a-piece, and committed to the Fleet during the King's pleaſure.

I have been more particular in the account of this barbarous exertion of power, becauſe almoſt every other hiſtorian, either from tenderneſs to the character of the government, or from motives of abhorrence to the nature of the offence given by the wretched ſufferer, has paſſed it over in a very ſlight manner. It muſt be own-

 ed,

Ann. 1630. ed, that Leighton, fired by an ungovernable zeal, and provoked by the miſchievous conduct of the people in power, had made a very bold attack on the eccleſiaſtical conſtitution as maintained by Charles, and had been bitter in his reflections on the queen, who, from the influence ſhe had now gained over her huſband, was generally regarded as the principal cauſe of his unpopular government. Notwithſtanding all that may be ſaid againſt the conduct of this unfortunate enthuſiaſt, his offence was by no means adequate to his puniſhment; his treatment and proſecution notoriouſly inhuman and illegal; the judgment paſſed againſt him was by an arbitrary court, whoſe juriſdiction was unconſtitutional, in a manner created by the crown, and cheriſhed as a never-failing engine of deſpotiſm. The tyranny it at preſent exerted outwent every example of former ages: It was the ready miniſter of vengeance to all that oppoſed the weak and wicked deſigns of a bigoted, arbitrary monarch; and entirely influenced in its conduct by the perſecuting furious ſpirit of an arrogant uſurping prieſt, who was purſuing with the utmoſt violence the plan of an abſolute, independent, eccleſiaſtical government. The ſentence it had lately paſſed againſt the unhappy Leighton was directly contrary to the humane ſpirit of the Britiſh laws; and the ſingle inſtance of ſuch an execrable barbarity would have diſgraced the government of an abſolute monarch.

THE public were ſtrongly affected by this impolitic act of cruelty. Laud increaſed the popular clamour by ſeveral Popiſh fopperies which he introduced on his conſecration

ſecration of St. Catherine's Creed's Church, which had been new built by the pariſhioners, and for ſome time prophanely made uſe of for religious offices, without the ceremony of a new conſecration. This coming to the pious prelate's ears, he ſuſpended it from all divine ſervice till he had performed this office, which he did with much ſolemnity, to the ſurprize of an infinite number of ſpectators, who were ignorant of the neceſſity of ſuch a ceremony *. The communion-table was removed

Ann. 1630. Ruſhworth, vol. II. p. 76, & ſeq.

* On his coming to the Weſt door of the church, ſeveral loud voices, previouſly prepared, cried out, "Open, open, ye everlaſting doors, that the king of glory may come in." On the doors opening, the biſhop entered the church, and fell on his knees; then, with his eyes lifted up, and his arms expanded, he uttered theſe words: "This place is holy; the ground is holy; in the name of the Father, Son, and Holy Ghoſt, I pronounce it holy." Then going towards the chancel, he ſeveral times took up the duſt, and threw it in the air. When he approached the communion-table, he bowed frequently towards it; and returning, he and his attendants went round the church in proceſſion, repeating the hundredth pſalm; after this the nineteenth pſalm; and then ſaid a form of prayer, which concluded thus: "We conſecrate this church, and ſeparate it unto thee as holy ground, not to be prophaned any more to common uſes." After this, the biſhop, at the communion-table, pronounced imprecations on all that ſhould pollute that holy place, by muſters of ſoldiers, keeping prophane law-courts, or carrying burthens through it. On the concluſion of every curſe he bowed towards the Eaſt, and ſaid, "Let all the people ſay Amen." When the imprecations were ended, he poured forth bleſſings on all thoſe that had any hand in framing or building that ſacred and beautiful edifice, and on thoſe that had given, or ſhould hereafter give to it any chalices, plate, ornaments, or utenſils. On the concluſion of every benediction he in like manner bowed towards the Eaſt, and ſaid, "Let all the people ſay Amen." A ſermon ſucceeded. Then the biſhop conſecrated, and adminiſtred the ſacrament in the following manner: As he approached the communion-table, he made many low reverences, and coming up to that ſide of the table where the bread and wine

Ann. 1630. from the middle of the area, where it had hitherto ſtood in all churches, except in cathedrals: it was placed in the Eaſt-end, and denominated an altar. It is difficult to imagine how violent the zeal of this man was to introduce theſe kind of innovations. In adminiſtring the ſacrament, kneeling at the altar and uſing of copes were rigorouſly inſiſted on; the crucifix reſumed its conſequence; and the churches were ornamented with pictures that were to be found in the maſs-books *.

wine were placed, he bowed ſeven times. After reading many prayers, he approached the ſacramental elements, and lifted up the corner of the napkin wherein the bread was laid. When he beheld the bread, he ſuddenly let fall the napkin, ſtarting back a ſtep or two, bowed three ſeveral times towards it, then drew near again, opened the napkin, and bowed as before. Then he laid his hand on the cup, let it go again, went back and bowed thrice towards it, then drew near and lifted up the cover; on ſeeing the wine, he let fall the cover, again retired back, and bowed as before. After this ceremony, he received the ſacrament, and adminiſtred it to others. Many prayers followed, which concluded the ſolemnity of the conſecration.

The ſame was acted over at the church of St. Giles's in the Fields: and Laud after this conſecrated two new-built churches; the one at Hammerſmith, and the other at Stanmore Magna in the county of Middleſex, with divers chapels, obliging the ſeveral pariſhes to pay fees to himſelf and officers for performing thoſe ceremonies. *Heylin's Life of Laud*, p. 212, *&* *ſeq.*

* Sherfield, the recorder of Saliſbury, was proſecuted in the Star-chamber for having, in the windows of St. Edmund's church in that city, deſtroyed, by an order of the veſtry, ſome panes of painted glaſs that repreſented the Creation. To the information lodged againſt him in this court, he argued, that the church was a lay-fee, exempted from the juriſdiction of the biſhop of the dioceſe; and that the pariſhioners had lawful power, without ſpecial licence from the biſhop, to take down the glaſs of the window, and repair it with white glaſs. He farther pleaded, that the window was not fair and coſtly, as the information ſet forth, but of very rude work; that it was of four lights

To give to religion that external magnificence agree- Ann. 1630.
able to the deſigns of the Arminian prelacy, the active

lights only, and not any of the fair windows in the church. He denied the riotous breaking of the window: He took a few ſmall quarries of it down, in a quiet and peaceable manner; that it was not a true hiſtory of the Creation, but a falſe deſcription of the ſame, wretchedly executed; that the painter, to expreſs God the Father, had painted the forms and pictures of divers little old men, ſeeming barefooted, and cloathed in long blue coats; that he held it ungodly, and altogether unlawful, to frame any image or ſimilitude of God the Father, Creator of Heaven and earth, and the firſt perſon in the Holy Trinity; that this his belief was the doctrine of the church of England eſtabliſhed by act of parliament in 13 Eliz.; that according to an act of parliament, *ann.* 1 of this queen's reign, injunctions were publiſhed, whereby all that had cure of ſouls were commanded to inſtruct their pariſhioners to deſtroy pictures and monuments of idolatry and ſuperſtition, that no memory thereof might remain in walls, glaſs windows, or elſewhere; that it was to be enquired of in the viſitations whether all images, pictures, paintings, and other monuments of idolatry, were removed; and that theſe injunctions being grounded on the ſtatute of the 1 Eliz. were yet in force.

Notwithſtanding this plea, the court pronounced ſentence, That Mr. Sherfield ſhould be fined five hundred pounds, and removed from his office; that he ſhould repair to the lord-biſhop of his dioceſe, and make acknowledgment of his offence and contempt, before ſuch perſons as the biſhop ſhould call unto him; and that he ſhould be bound to his good behaviour.

Biſhop Laud, who was very vigilant in this proſecution, made a long ſpeech, in which he endeavoured to prove, that the cuſtom of ſetting up images was not only inoffenſive but laudable. "God the Father, in the prophet Daniel, was called the Ancient of Days; and images had been uſed in the earlieſt times of the church. However that might be, the act which Mr. Sherfield had committed was highly criminal, becauſe done in contempt, or at leaſt in neglect, of the authority of the church. If it had been the idol of Jupiter, and the people had profeſſed divine worſhip to it, it would have been criminal in Mr. Sherfield to deface it, without lawful authority, as could be proved from ſcripture." Laud complained, that there had been many

inſolencies,

Ann. 1630. Rushworth, vol. II. p. 88, & seq.

Laud undertook the repairing and rebuilding of St. Paul's. His devout master, by his authority and countenance, encouraged the expensive project, and, with all

insolencies committed in that church: A bishop's bones had been taken up, and all to bury a tanner's wife. Mr. Sherfield had been guilty of breaking a consecrated thing: it pleased God to give him a fall upon the place; yet these things had not wrought him to confession that he had done amiss. Laud finished his harangue with prophesying, that the time would come in this kingdom when all those who despised the church would be brought low.

Neile, archbishop of York, made an elogium on the use of images and the crucifix; he reprimanded the defendants for asserting, that the authority queen Elizabeth had to reform, and set forth her injunctions, were given her by parliament: the statute of the first of Elizabeth, he said, was but an act declaratory, not to be taken as if the Queen, without it, had no power to meddle with the things of the church. He that said, *Per me reges regnant*, giveth this authority to the King.

Lord Cottington gave a severe sentence against Sherfield, as did the lord Arundel, who alleged, that it was not unlawful to express God the Father by representation. The earl of Dorset said, that in the text of Daniel was meant God from eternity, and not God to be pictured like an old man, creating the world with a pair of compasses. He and all the temporal members, who differed from the prelates in this sentence, made many professions of their veneration for the power of the church; that Sherfield was highly criminal in not paying due respect to its authority, and ought to make acknowledgment to the bishop. *State Trials*, vol. I. p. 377, *& seq.*

Smart, prebend of Durham, having complained to the Commons in the year 1628, that Dr. Cosens had introduced in that cathedral several Popish innovations, he was, after the dissolution of the parliament, successively brought into the High commission courts at Durham, Lambeth, and York, deprived of all his ecclesiastical livings, imprisoned several years, and his preferment given to others.

From the accession of Charles to this period, the plague had continued to rage with more or less violence in the city of London. It carried off this year 1317 persons. *Rushworth*, vol. II. p. 80.

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the ostentation of royal parade, made a visit to this cathedral; where, after divine service was performed, he solemnly promised not to be wanting in the piety of his best endeavours to the repair of those ruins which time, the casualties of weather, or any other accident, had brought upon it. Legal justice was a virtue that made no part of the religious or moral character of Charles: so, in the execution of this new scheme, power supplied the defects of law, and every obstacle to the undertaking was removed by an exertion of that unlimited authority which he had assumed over his subjects. By an order of the privy-council, St. Gregory's church, being an impediment to the work in hand, was, at the great expence of the inhabitants, removed. Houses and shops were pulled down, and the proprietors obliged to accept such a compensation as should be adjudged adequate by commissioners appointed by authority. In those counties where there was found a slowness in contributing to the briefs issued forth under the great-seal, persons of wealth and influence were quickened by reprehensions from the council-table *.

Ann. 1631.

Acts of power.

* Sir Francis Knowls and Sir Thomas Vachel, two justices of peace for the county of Berks, received letters wherein they were taken to task, "for delaying to publish his majesty's commission, and forbearing to express their own liberalities to so pious a work; and were enjoined, for the redeeming of opportunity already let slip, to redouble their diligence, and to return an exact account of the money given by themselves and others, that the King, being therewith acquainted, might distinguish between such as were forward and well affected, and such as were slack and remiss in doing God and him service." To shew the expence requisite to repair this cathedral, and ornament it according to Laud's plan, it may not be improper to relate, that from the zeal of that faction devoted to the church, and mo-

Ann. 1631.

WHILST Laud was thus exalting the crofier, rendering his maſter the ſubſtitute of metropolitical power, and the privy-council the executioners of eccleſiaſtical inſolence and cruelty, Charles was ſtudying the means to raiſe a ſum of money that ſhould provide ſufficiently for the ſupport of the crown, without the aſſiſtance of parliament. The firſt expedient practiſed was not only to continue tonnage and poundage, but alſo to enhance the book of rates upon ſeveral merchants goods; and the collection of ſuch rates to be enforced out of the courſe of the ordinary courts of juſtice. The next was a proclamation, in which every man that had been poſſeſſed of forty pounds a-year for three years, and had not been knighted at the King's coronation, was ſummoned to compound, as well for their fines and contempts, as for their reſpite to take that order upon them *. Many were put to great expence in the Exchequer and Star-chamber, for refuſing to pay the compoſition-money *, required to be one third and a half as much as the perſons compounding would be rated in the gathering of a tax of three ſubſidies and a half.

Ruſhworth, Preface to vol. II.

Impoſitions.

Ann. 1631. Franklyn's Annals, p. 381.

ney extorted by various ways from the reſt of the ſubjects, the public contributions amounted to upwards of 101,330l. The King gave upwards of 10,000l. and the fines and commutations in the High-commiſſion and ſpiritual courts were commonly aſſigned to this uſe: A general murmur aroſe, that penalties were impoſed for a tax to St. Paul's. The public was not only diſſatisfied at the arbitrary manner in which this buſineſs was conducted, but at the many new images and ornaments with which this ſtately edifice was adorned. *Complete Hiſt.* vol. III. p. 67. *Whitlock*, p. 17. *Heylin's Life of Laud*, p. 222, *& ſeq.*

* This was an exceſſive degree of oppreſſion, becauſe Charles had, on account of the plague which raged in London at the time of his coronation, in a manner diſpenſed with the attendance of ſuch ſubjects as were qualified to be knights. There is reaſon to believe, that money was extorted from people that were not in poſſeſſion of forty pounds a-year. *Vide Strafford's Letters, &c.* vol. I. p. 419.

* James Malverer, of Arncliffe in the county of York, ſubmitted to the judgment of the court of Exchequer, what fine they ſhould think fit to impoſe on him. The court refuſed that courſe of impoſing a fine, and put the party ſubmitting to compound with commiſſioners in the county. Malverer complained, that afterwards, upon writs of diſtraint from the Exchequer, ſeveral exceſſive fines were returned upon his lands, amounting to the ſum of two thouſand pounds, a great part of which he paid. In like manner the lord chief baron, and the reſt of the barons of the Exchequer, did order the ſame undue proceedings againſt Thomas Moyſer, Eſq; and againſt ſeveral other his majeſty's ſubjects, in different parts of the realm, to the undoing of many of them. *Ruſhworth*, vol. II. p. 135, *& ſeq.*

It is ſaid, that above an hundred thouſand pounds was brought into the Treaſury, extorted on this buſineſs of knighthood. The impoſition was ſo univerſally diſliked, that many of the ſheriffs neglected to execute their orders, and return the names of perſons qualified. The attorney-general was directed to proceed by information in the Exchequer, againſt the ſheriffs that ſhould appear to have been moſt negligent. *Ruſhworth*, vol. II. p. 70.

This impoſition was grounded on a ſtatute made in the firſt year of Ed. II. called *Statutum de Militibus.* It exempted thoſe from taking knighthood that were not poſſeſſed of twenty pounds a year; thoſe that were not of age, and thoſe whoſe land was held in manors, that were ancient demeſnes of the crown, which land was obliged to pay talliage; thoſe clerks in holy orders which held lay-fees, and thoſe which held burgage-land; thoſe who had held their lands but a ſmall time; thoſe who pleaded great age, default of their members, or any other incurable infirmity, as charge of children, or of ſuits, were admitted to compound on reaſonable fines. *Vide Statutes at Large.*

This ſtatute was enacted when the ſyſtem of feudal ſervices in perſon during war, exiſted; and though it was now aboliſhed, yet as this ſtatute, which had been made whilſt it was in full force, remained unrepealed, Charles's miniſtry pretended, that the right of impoſing the honour remained ſtill with the crown; and that the King might oblige

Ann. 1631. In order to exerciſe the militia, and put them on a formidable footing, each county was aſſeſſed at a certain ſum for the entertainment of a muſter-maſter appointed for that ſervice. Compoſitions were again openly made with recuſants, notwithſtanding a ſtatute enacted, in the laſt parliament of James's reign, againſt the diſpenſation of penal laws. The ſame ſtatute had aboliſhed monopolies, but had left an exception in favour of new inventions. Under the pretext of theſe, and of erecting new companies and corporations, monopolies were again revived on all ſorts of commodities: ſoap, ſalt, wine, leather, ſea-coals, pins, ſtarch, even to the ſole gathering of rags *.

Monopolies.

Ruſhworth, Preface to vol. II. and vol. II. p. 12. & ſeq.

A LARGE revenue was raiſed by theſe oppreſſions †. Proclamations continually iſſued from the council, en-

all perſons to be knighted, or to pay compoſition; the qualification to be forty pounds a year.

Beſides the palpable injuſtice of receiving a tax founded on a ſyſtem that did not now exiſt, twenty pounds a-year in the time of Ed. II. was equivalent to two hundred in the ſeventeenth century.

* An office was erected for the ſealing of cards and dice, a new illegal tax. A patent was granted to one Francis Tucker, gentleman, and others, giving them power to dig or delve in any place in England and Wales for hidden treaſure, on their paying to the crown the fourth part of what they ſhould find, and making ſatisfaction according to the valuation of the next juſtice of peace. Another patent was granted to one David Ramſey, for the ſole privilege of ſeparating metals, on condition that one third of the profit ſhould be paid to the crown. *Ruſhworth*, vol. II. p. 103, *& ſeq.* *Rymer*, vol. XIX. p. 157, 201.

† Soap-boilers were prohibited the trade, unleſs they entered into the new-erected corporation. It paid 10,000l. in advance, and 8l. *per* ton. Moreover, an office was erected with full powers to ſuperintend the ſaid corporation, and to mark ſuch ſoap as ſhould be thought fit for

joining what was not enjoined by law; and the Star-chamber cenſured by heavy mulcts and impriſonments any diſobedience to theſe proclamations *. Ann. 1631.

for ſale: The ſubject was prohibited to ſell any ſoap unleſs ſo marked. It is eaſy to ſee the evil conſequences to trade that ſuch an oppreſſive power, exerciſed by the crown, muſt produce: Like other national evils, it aſſumed pretenſions to public utility—the preventing the bringing any bad ſoap to market. An information was prefixed in the Star-chamber, by Noy, the attorney-general, againſt ſixteen ſoap-makers, defendants, charging them with ſeveral offences contrary to letters-patent, and proclamations touching the making and uttering of ſoap, and uſing the trade of ſoap-makers. The defendants ſet forth ſeveral acts of parliament, letters-patent, charters, cuſtoms, and acts of common-council of the city of London, and other matters materially conducing to their defence, and in concluſion pleaded Not Guilty. The court of Star-chamber referred to Sir Robert Berkley, one of the juſtices of the court of King's-Bench, to conſider of the impertinency, as it was termed, of the defendants anſwer. Berkley certified the ſaid court, that the whole anſwers, excepting four words, and the ten laſt lines, ſhould be expunged, leaving no more ſubſtance than the plea of Not Guilty. On another reference to Sir Robert Berkley, on the pretended impertinency of the interrogatories, and depoſitions of witneſſes taken on the defendants part, he certified, that the ſaid interrogatories ſhould be ſuppreſſed. By reaſon of this certificate, the ſixteen defendants were, by a ſentence of the court of Star-chamber, committed to the Fleet, diſabled from uſing their trade of ſoap-making; one of them fined in the ſum of 1500l. two of them in 1000l. a-piece, and four of them in 1000 marks a-piece. The corporation of ſtarch-makers covenanted to pay into the Exchequer, for the firſt year the ſum of 1500l. for the ſecond year the ſum of 2500l. and after the ſaid two years the ſum of 3500l. *per ann.* A ſurveyor and commiſſioners were alſo appointed by the crown to ſuperintend this company. *Ruſhworth*, vol. II. p. 12, *& ſeq.* p. 136. 165. vol. III. *Appendix*, p. 109.

* This court, on every pretext, condemned to exceſſive fines for the King's uſe all thoſe that were cited before them. The printers of a new edition of the book of Common-Prayer ſuffered a large pecuniary mulct for leaving out one letter.

One

Ann. 1631. THE old obſelete laws of the foreſt were revived, by which not only great fines were impoſed, but great annual rents intended to be ſettled by way of contract. The better to effect the ſame, examples were made, by ſentence in the Star-chamber againſt ſeveral perſons for depopulations, nuiſances in building, pretended encroachments upon the foreſts; with other things of the like nature *. A proclamation was iſſued to inform the pub-

Proclamation.

One Allinſon, for ſaying that the archbiſhop of York had aſked a limited toleration for the Papiſts, was condemned to a fine of 1000l. to be committed to priſon, to be bound to his good behaviour during life, to be whipped, to be ſet in the pillory at Weſtminſter, and at York, Ipſwich, and Yarmouth.

Lord Morley was fined 11,000l. for quarrelling in the court of Whitehall with Sir George Theobalds, one of the King's ſervants. Laud gave his vote that this cenſure ſhould be 20,000l. *Ruſhworth*, vol. II. p. 269. *Strafford's Letters*, vol. I. p. 335.

One Maud was fined 5000l. for ſaying, that he heard the King went to maſs with the Queen. Pickering, for ſaying the King was a Papiſt in his heart, was deeply fined, ſet in the pillory in two ſeveral places, and loſt both his ears. *Strafford's Letters*, vol. II. p. 180.

One Greenvile was fined 4000l. and to pay 4000l. damages, for ſaying that the earl of Suffolk was a baſe lord. *Ruſhworth*, vol. III. *Appendix*.

Sir Richard Wiſeman, for ſome offences of the ſame kind againſt the lord-keeper, was deeply fined, both to the King and to that lord, was ſet in the pillory, and degraded from his rank of a baronet. *Strafford's Letters*, vol. II. p. 180.

One Bennet was fined 1000l. to the King, and 1000l. to the earl of Marlborough, for ſaying, that the ſaid earl had dealt baſely with him, in not paying him 30l. which was due upon bond. *Strafford's Letters*, vol. II. p. 128.

* On the authority of ſome old ſtatutes, which had been repealed in the twenty-firſt of James, againſt depopulations, or the converting arable lands into paſture, Sir Anthony Roper was fined 4000l. This ſevere, illegal ſentence terrified others into compoſitions, which brought in

lic, that his majeſty had renewed a commiſſion to ſome lords, judges, and council learned, to ſell, grant, and confirm to them, all poſſeſſions to which their titles were any way defective, by making ſuch compoſitions as the ſaid commiſſioners ſhould approve and accept. Letters were ſent to the juſtices and barons of the Exchequer to frame orders for an office of receiver and collector of fines and forfeitures erected by the late King, and confirmed by the preſent. On the meeting of the judges, they concluded that the patents for this office were againſt law and the King's profit. Nor was the behaviour of the judges of Weſtminſter-Hall ſo condeſcending as it had been *: They ſtrenuouſly refuſed to com-

Ann. 1631. Rym. Fœd. vol XIX. p. 168.

in a large ſum. Like compoſitions, or heavy fines, were exacted for encroachments on the King's Foreſt, the limits of which, by parliamentary decrees, had been eſteemed arbitrary and unjuſt: They were now extended much beyond the uſual bounds. The foreſt of Rockingham was increaſed from ſix miles to ſixty; and the encroachers were fined. The earl of Saliſbury 20,000l. the earl of Weſtmoreland 19,000l. Sir Chriſtopher Hatton 12,000l. Sir Lewis Watſon 4000l. lord Newport 3000l. Sir Robert Banniſter 3000l. with many other leſs fines. *Strafford's Letters*, vol. I. p. 335. 337. vol. II. p. 117.

The Foreſt buſineſs was ſo highly reſented, that many hundreds of the ordinary ſort underwent heavy fines for reſiſting thoſe that encloſed for his majeſty's uſe according to the new claim. *Ruſhworth*, vol. III. *Appendix*.

On the authority of a ſtatute of the 31 Eliz. a commiſſion was executed againſt poor cottagers who had not four acres of ground laid to their houſes. This was even more burdenſome to the poor than the tax of ſhip-money. *Strafford's Letters*, vol. II. p. 117.

* Sir Giles Arlington was queſtioned by the High-commiſſioners for having married his niece: he pleaded, that it was not within the Levitical interdict; and brought the affair into the Common-Pleas. The court of Common-Pleas granted two rules; one requiring the High-commiſſioners to ſhew cauſe why a prohibition ſhould not be granted, and

Ann. 1631. ply with the royal commands, not to grant any more prohibitions againſt the Prerogative-court, of which Sir Henry Martin was judge *.

and the other intimating, that if they proceeded a prohibition ſhould follow. Charles ſeverely chid the judges for this encroachment, as he termed it. On Laud's proteſting, that he would excommunicate them in his own dioceſe, and denounce it himſelf at St. Paul's, if the archbiſhop of Canterbury did not do it in his province, they deſiſted. Sir Giles was forced to ſubmit to the High-commiſſion court: He was ſentenced to pay a fine of 12,000 l. to the King, to give 20,000 l. ſecurity never to cohabit with his niece, and to be impriſoned, or give ſufficient bail, till himſelf and bride had done penance at St. Paul's Croſs, and St. Mary's Church in Cambridge.

* This command was in compliance with the dictates of a paper preſented by biſhop Laud to the King, entitled, Conſiderations for the better ſettling the church government.

The nation was kept in continual alarm by the viſible advances Charles and his favourite Laud were daily making towards the overthrow of the conſtitution. Some time before this, a paper had been handed about, entitled, A Propoſition for his Majeſty's Service, to bridle the Impertinence of Parliaments. It conſiſted of two parts; the firſt was to ſubdue the power of parliaments, and the other for increaſing the royal revenue. The reader may ſee the propoſal at large in *Ruſhworth*, vol. I. *Appendix*, p. 12, *& ſeq.* Many of the particulars have, to the misfortune of this country, been ſucceſsfully and ſubſtantially carried into execution by the miniſters who ſucceeded theſe times. They were but too congruous to the practices of Charles, to his arbitrary levies of money, to his declarations againſt parliaments, his infringement of their privileges, and avowed reſolution not to acquieſce in their determinations. When they were communicated to the public, they ſet the nation into ſuch a flame, that the court found it neceſſary to endeavour to vindicate themſelves. The earl of Bedford, the earl of Somerſet, the earl of Clare, Sir Robert Cotton, Mr. Selden, and Mr. St. John, were committed to priſon, and proſecuted in the Star-chamber, for being the authors and publiſhers of the libel. In the courſe of the trial it appeared, on the oath

Ann. 1631. WHILST England, in regard to foreign affairs, enjoyed a perfect calm, whilſt its ſubjects were totally engaged in making feeble defences againſt the vigorous attacks of the crown and hierarchy, Germany exhibited an active ſcene of a different nature. The authority the houſe of Auſtria had gained in that continent threat- Affairs of Germany.

oath of Sir David Fowlis, that the ſcheme had been written ſome time ago by Sir Rob. Dudley, a diſcontented Papiſt reſiding in Tuſcany, who, in right of his grandfather, had taken upon himſelf the title of duke of Northumberland. This ſcheme he had ſent to James, on the differences between him and his parliament; "concluding, as the ingenious Mr. Walpole, in his Catalogue of Royal and Noble Authors, ſuppoſes, no method ſo eaſy or ſure of recovering his own right, as to inſtruct the King how to uſurp upon the rights of his ſubjects." Sir Robert Peyton avers, that the written project was taken out of the King's cabinet by a ſervant of the houſhold, and carried to Carr earl of Somerſet, who ſhewed it to the earl of Clare, Mr. St. John, and Mr. Selden.

The defendants denied their having any concern in the publication, and pleaded that they ought not to be queſtioned for it, being written in the time of king James, and not in reference to his majeſty's government, which they had not the leaſt thought or intention to ſcandalize.

Before the determination of the cauſe, Charles ſent a meſſage to the court to ſtop farther proceedings againſt the defendants, on account of the queen's being brought to-bed of a ſon: this happened on the twenty-ninth of May, 1630. The King rode with extraordinary pomp to St. Paul's, to give God thanks for the public bleſſing. A ſtar happening at the ſame time to appear in a clear ſky, the court-flatterers inſiſted much on the incident; medals were ſtruck in honour of the prince's nativity, repreſenting the ſtar at his birth, and the following motto: *Hactenus Anglorum nulli.* Monarchical writers complain, that the people in general teſtified little joy on this occaſion: they rather mourned the increaſe of a family that had ſhewed themſelves ſuch enemies to the freedom of the conſtitution; and the birth of a prince who would ſuck in ſuperſtition with his milk, and from education and example imbibe thoſe principles of arrogance and tyranny that rendered his parents formidable to the peace of the kingdom. *Ruſhworth*, vol. II. p. 51, *& ſeq. Echard*, vol. II. p. 93. *Guthrie*, vol. III. p. 907, *& ſeq.*

Ann. 1631. ened the entire ſubverſion of the free conſtitution of the empire; and was become ſo formidable to the neighbouring potentates, that the houſe of Bourbon began to enter into deep and ſerious ſchemes for abating the growing power of that rival family. The oppreſſion of the Proteſtants raged with an exceeding violence *: Ferdinand declared, that there ſhould be none but Catholic magiſtrates through all his hereditary dominions. In the circle of Suabia, orders were given that they ſhould be deprived of their poſſeſſions, and the Catholics reinſtated in the goods of the church. In conſequence of this mandate, the Proteſtant churches were ſhut up; the adminiſtration of the univerſity of Prague veſted in the hands of the Jeſuits; the paſtors of the reformed religion not only ordered to forbear the exerciſe of their faith, but to leave the country, and live in a perpetual baniſhment. The ſame ſeverities were exerciſed in the town of Halberſtadt. Wallenſtein, the general of the Imperialiſts, was inveſted with the dukedoms of Mecklenburg, and a declaration publiſhed by the emperor againſt the legal poſſeſſors, accuſing them of high-treaſon. The court of Vienna no longer diſſembled its deſigns to ſuppreſs the Proteſtant religion, extinguiſh the liberties of the empire, and render the Imperial crown hereditary in the houſe of Auſtria. Wallenſtein openly boaſted, that the electors would ſoon be reduced to the condition of Spaniſh grandees. An edict was publiſhed at Vienna, commanding the Proteſtants to reſtore, without loſs of time, the eccleſiaſtical benefices in their poſſeſſion, particularly

Ruſhworth, vol. II. p. 36, & ſeq.

* The Proteſtant married women of Bohemia were perſecuted in an extraordinary manner. *Vide Harte's Life of Guſtavus Adolphus*, 4to. 1759, vol. I. p. 121, & *ſeq.*

cularly the archbiſhoprics, biſhoprics, prelacies, hoſpitals, Ann. 1631. and all the other effects of the church, occupied by them ſince the treaty of Paſſaw in the year 1555.

On this momentous occaſion, the eyes of all men were fixed on Guſtavus Adolphus, king of Sweden, whoſe warlike genius had rendered him the moſt diſtinguiſhed monarch of that or any other age. He was at this time engaged in a war with the king of Poland. The kings of England and France joined their good offices to mediate a peace *, in hopes of engaging Guſtavus to undertake the defence of the liberties of Europe. From the perſuaſions of theſe princes, and the invitations of the German Proteſtants, Guſtavus undertook the invaſion of that country. The king of England agreed to furniſh him with ſix thouſand men; but that he might preſerve the appearance of neutrality, they were levied in the marquis of Hamilton's name.

During theſe ſecret negociations, the emperor convoked a diet at Ratiſbon, in order to prevail with the princes to elect his ſon king of the Romans. He had already inveſted him with the kingdom of Hungary, and the crown of Bohemia, which he now conſidered as an indefeaſible inheritance of the houſe of Auſtria. Ferdinand endeavoured to vindicate himſelf from being the author of a war that had ſo long ravaged the empire, and laid the whole blame on the princes of the Evangelical league, but particularly on the Palſgrave. He propoſed to the diet, to paſs an act that he ſhould continue a baniſhed

Ruſhworth, vol. II. p. 64, & ſeq.

* A truce was agreed on for ſix years between Sweden and Poland. *Ruſhworth*, vol. II. p 35.

Ann. 1631. a baniſhed man, and that the princes there aſſembled ſhould never entertain peace or amity with him. He then excuſed himſelf concerning his ſeizing the duchy of Mantua on the death of its prince, pretending that it was only to maintain the authority of the empire in Italy. He propoſed, that if a treaty then on foot, touching a difference between him and the king of Sweden, did not ſuccceed, that the princes of the empire ſhould provide money for maintaining a ſtanding army; that they ſhould take meaſures to reſtore martial diſcipline, to eſtabliſh proper regulation for the quarters and paſſages of ſoldiers; and that the king of Sweden ſhould be threatened with the whole power of the empire. In anſwer to theſe propoſals, the princes electors laid open the grievances of the empire. The elector of Saxony, protector of the Augſburg Confeſſion, preſſed him to repeal his edict, reſtore the city of Augſburg to the fruition of its ancient liberty, and compel his officers to refund the contributions they had levied in almoſt all the provinces of the empire. His old ally, the elector of Bavaria, dreading the conſequence of his growing greatneſs, had privately ſolicited cardinal Richelieu to undertake the defence of the liberties of the empire; and now declared, that the deliberations of that aſſembly could not be free whilſt the emperor had an army of 150,000 men at his devotion. The greateſt part of the Catholic princes exhorted him to divert the Proteſtants from an union with the king of Sweden, by granting to them, for a term of forty years, the enjoyment of the eccleſiaſtical benefices they had poſſeſſed ſince the treaty of Paſſaw. Farther they gave him to underſtand, that as a previous ſtep towards the accompliſhment of his ſon's

ſon's election, it would be neceſſary to diſband the great- Ann. 1631.
eſt part of his troops, and take the command of his army from Wallenſtein, to whoſe large commiſſion, given without their conſent, they attributed great part of the outrages and injuries they had ſuffered during the courſe of the war. Ferdinand yielded to theſe remonſtrances, diſmiſſed Wallenſtein from his ſervice, obliged him to reſign the inveſtiture of the duchy of Mecklenburg, and retained, of all his army, but 40,000 troops.

On the meeting of this diet, Charles gave orders to Sir Robert Anſtruther, his reſident at the court of Denmark, to apply to the emperor in favour of the reſtitution of the elector-palatine to his dignity and patrimony. The ambaſſador pleaded, that nothing could affect his maſter more than the conſideration of the daily calamities undergone by his brother-in-law, the prince elector, his wife and children; that no place was more expedient to treat of peace, reconciliation, and re-eſtabliſhment, than in the diet: therefore he made it his ardent requeſt to his Imperial majeſty, that having regard to the many interceſſions of his late father, and other kings and princes, he would remit the diſpleaſure conceived againſt his brother, and recal the preſcription iſſued out againſt him. True it was his brother had offended, and was inexcuſably guilty, unleſs the raſhneſs and precipitation of youth might ſomewhat plead for him; but others had been as culpable, whom yet his Imperial majeſty had received into favour; and would he be pleaſed to extend to him the ſame clemency, it would oblige his maſter to demonſtrations of the greateſt gratitude, and raiſe a glorious emulation in others to imitate ſo excellent a pattern; that

Ann. 1631. that the Palſgrave would entertain his favour with a heart ſo firmly devoted to his ſervice, ſo as all the intentions of his ſpirit ſhould be diſpoſed to compenſation and reparation of his former miſcarriages; that his majeſty of Great Britain held nothing ſo dear as the affection of his Imperial majeſty, and eſtabliſhment of a durable peace between them; and as upon all occaſions he had been forward to repreſent himſelf ſolicitous for it, ſo at this time he was ready to give more ample teſtimony, if his Imperial majeſty was pleaſed to incline to a treaty. The anſwer returned to this humble interceſſion was, that if the prince would aſk pardon, renounce the crown of Bohemia for ever, and his own electorate for himſelf and his heirs, and enter into no farther intrigues, either with German princes or foreigners; on theſe conditions he promiſed, from motives of bounty and clemency, to reſtore to him part of a province, and allow him a penſion. Frederic rejected theſe propoſals with ſpirit, notwithſtanding the king of England had given Anſtruther powers to become reſponſible for his ſubmiſſion. Charles was ſo amuſed with the emperor's propoſals, that it prevented him from entering into an avowed alliance with the king of Sweden, tho' he had taken ſome pains to bring that prince into Germany.

The Proteſtant princes, after the breaking up of the diet, obtained leave to hold one for themſelves at Leipſick, on pretence of concerting meaſures for an accommodation with the emperor touching the edict of reſtitution. The deliberations of this aſſembly turned upon the grievances of the empire. They unanimouſly reſolved to levy an army of forty thouſand men, and to form

form a ſtanding council. They ſent a declaration to the emperor, importing, that notwithſtanding their reſolution to raiſe troops, they ſhould be perfectly well diſpoſed to preſerve the peace, if the grievances they complained of were redreſſed. After the conference at Leipſick, all parties prepared for hoſtilities. Ann. 1631.

On the landing of Guſtavus, he was immediately joined by the duke of Mecklenburg, and other Proteſtant princes. The Imperial troops were in a ſhort time driven out of the iſland of Pomerania, and from this period a continued ſeries of victory attended the arms of the Swediſh hero. In an important battle fought at Leipſick, the experienced general Tilly, and his army of veterans, were totally defeated by the valour of the Swedes, and the conduct of their leader. The affairs of the houſe of Auſtria began to grow deſperate: Half of Germany was ſubdued by the victorious Swede; the duke of Saxony had made himſelf maſter of Bohemia; the landgrave of Heſſe had caſt himſelf on the ſide of the conqueror; and the duke of Bavaria was inclining towards the ſcale of ſucceſs. In this turn of fortune, the emperor had again recourſe to his old general Wallenſtein, whom he inceſſantly preſſed to reſume his command; at length Wallenſtein complied, and undertook to raiſe an army of eighty thouſand men, provided that during his ſervice he was ſole and abſolute, not to be commanded by the king of Hungary, the emperor's ſon, or directed by the councils of Vienna. This experienced officer ſoon changed the face of affairs: He recovered Egra, Prague, and all the kingdom of Bohemia. A battle was fought at Lutzen, between him and the Swediſh monarch, who periſhed

Ann. 1631. periſhed in the midſt of the conteſt *. To the almoſt ſingular honour and reputation of his troops, they obtained a complete victory, notwithſtanding the loſs of their leader.

Harte's Life of Guſtavus Adolphus, vol. II. p. 52.

SOME time after the battle of Lutzen, Wallenſtein, by the dictates of the treacherous councils at Vienna, was privately proſcribed by the emperor, and himſelf and four colonels under his command, who were particularly attached to his perſon, baſely murdered at Egra. The bloody deed was perpetrated by ſome Scotch and Iriſh officers, the Germans and Italians having refuſed to imbrue their hands in their general's blood. After his death the emperor ſeized on all his effects. Thus he rewarded the man who had ſacrificed every conſideration to his ſervice †, and by whoſe military endowments he had been enabled to tyrannize over Germany.

BY the ſagacity and conduct of that diſtinguiſhed politician Oxienſtern, who governed the affairs of Sweden during the minority of their young queen Chriſtina, the war was kept alive in Germany for ſeventeen years. The French contributed their aſſiſtance, and after the death of Guſtavus openly declared war againſt the houſe of Auſtria. Notwithſtanding a jealouſy and diviſion among the allies, a treaty of peace was concluded at Munſter, much to the advantage of France, Sweden, and the Proteſtant in-

* Puffendorf, in his Hiſtory of the Swedes, ſays, that Guſtavus was killed by his ally, Francis-Albert duke of Lawenburg, who had been bribed by the Imperialiſts to commit this infamous act.

† Wallenſtein had been bred a Proteſtant.

tereſt;

tereſt, and to the great weakening of the power of the Auſtrian family. Ann. 1631.

THE unhappy elector-palatine, foiled in every attempt to re-eſtabliſh his broken fortune, had reaped no fruit from the uninterrupted ſeries of ſucceſs which had attended the king of Sweden. The manner in which the king of England had aſſiſted him, rather diſguſted than obliged this monarch. The Britiſh auxiliaries, commanded by Hamilton, in his own name, ſhewed Charles either afraid or aſhamed to eſpouſe the cauſe of Liberty, and had caſt a damp upon the Proteſtant intereſt. The States General refuſed to engage in the quarrel, unleſs the king of England would declare himſelf a contracting party; and the princes of Germany grew cold and reſerved. Guſtavus expoſtulated on this conduct, and required that the Britiſh monarch ſhould ſend over ten thouſand men, to be paid by himſelf as a party againſt the emperor: If this was agreed to, the marquis of Hamilton ſhould be general in chief, and no peace concluded with the emperor till the elector-palatine was reinſtated. Charles, inſtead of immediately cloſing with this advantageous propoſal, ſent over Sir Henry Vane to negociate a treaty *. He had been ſo long in determining the point, that Guſtavus told his ambaſſador, it was too late to enter into engagements for the reſtitution of the Palatinate. He could not ſtipu-

Ruſhworth, vol. II. p. 62.

Ruſhworth, vol. II. p. 151.

* Sir Thomas Roe, who had been ſome time agent at Guſtavus's court, was recalled, becauſe he ſhewed himſelf forward and zealous for Charles's contributing a powerful aſſiſtance. Sir Henry Vane was ſent in his place, as a man more inclined to peace, and whoſe opinions were more congruous to the king of England's councils.

Ann. 1631. late to make war upon Bavaria for the preſent, having juſt concluded a treaty with the French, by which they were to furniſh him a yearly penſion of 1,200,000 livres during the continuation of the league; he having, on his part, obliged himſelf to grant a neutrality to the duke of Bavaria. That his maſter had too long depended on the Spaniſh treaty, which was a fault had prejudiced the cauſe much. "If, added he, we had concluded before the arrival of the French ambaſſador, I could have attacked Bavaria, but I cannot undertake to war againſt the houſe of Auſtria, France, and the Catholic league." He afterwards propoſed, that the king of England ſhould furniſh an addition of twelve thouſand men, and twenty-five thouſand pounds *per* month for their maintenance; that he ſhould engage to enter into a war with Spain, if Sweden was attacked from that quarter; and moreover, that the Lutheran religion ſhould be eſtabliſhed in the Palatinate. On theſe conditions, he ſaid, he would engage never to ſheath his ſword till the Palatinate ſhould be re-conquered, and delivered to its lawful poſſeſſor. Guſtavus moreover made it his requeſt, that Frederic ſhould repair immediately to the Swediſh army, and march with it into his own dominions. Theſe propoſals were in a manner rejected by Sir Henry Vane. Guſtavus, totally diſguſted with the politics of Charles, whom he had ſo often in vain preſſed with many arguments to furniſh an effectual aſſiſtance *; and, perhaps elated

* At the end of a letter he wrote to inform Charles of his victory at Leipſick, he ſays, "We doubt not but you will receive the news of this victory with affection and joy; that you will conſider the preſent opportunity as a circumſtance not to be neglected, directing your whole attention to this ſingle object, and making it your royal care to advance the

with that torrent of ſucceſs which had attended his arms, Ann. 1631. in a farther conference with the ambaſſador, talked in the following high terms concerning the reſtitution of the Palatinate.

"THAT the Palſgrave ſhould hold his dominions as a donative of the king of Sweden: Ruſhworth, vol. II. p. 166.

"THAT he ſhould make no martial levies without the Swede's conſent:

"THAT during this war he ſhould furniſh the Swede with ſo many thouſand men upon his own pay:

"THAT two of his chiefeſt towns ſhould ſtand cautionaries for the performing of covenants:

"THAT he ſhould make no league nor article with any other prince, without the Swede's conſent."

SIR Henry Vane propoſed, on the part of the king of England, that Hamilton ſhould have the complement of Swediſh ſoldiers which had been firſt ſtipulated to him; that they ſhould be paid with Engliſh money, and augmented with a body of troops from Great Britain, that ſhould make a large army, to be led by Hamilton into the Palatinate. Guſtavus, who was now determined not to admit Charles but in the quality of a ſubordinate ally, Memoirs of the duke of Hamilton, fol. ed. 1677, p. 21. Harte's Life of Guſtavus, vol. I. p. 357, & ſeq.

the good of the Chriſtian world, and promote the welfare of your own relations, by aſſiſtances in men and money, and by magnanimous reſolutions." *Harte's Life of Guſtavus*, vol. I. p. 412, *& ſeq.*

Ann. 1631. rejected the propoſal with diſdain, and ordered the negociations to be broke off. Sir Henry Vane and the marquis of Hamilton were recalled. What remained of the Engliſh troops, reduced to two regiments, were left behind, and continued to ſerve the king of Sweden.

HAMILTON, by the concurrence of unfortunate accidents, had gained neither honour to the Britiſh arms, nor advantage to the king of Bohemia. On his interview with the king of Sweden, immediately before the battle of Leipſick, it was determined that he ſhould guard Cuſtrin, Frankfort, Lauſberg, and the other paſſages on the Oder, that if a battle was loſt the Swedes might make a ſafe retreat. On his arrival at Frankfort, the plague carried off one-third of his army. After the battle of Leipſick, he was ordered to march into Sileſia, with a reinforcement of two hundred horſe, and three hundred foot. He relieved Croſſen, ſurprized Guben, and was preparing to attack Glogaw, when he received diſpatches from the king of Sweden, informing him, that the elector of Saxony had undertaken the conqueſt of Sileſia. Hamilton was commanded to march back again, through the ſame deſolated countries he had left in Lower Saxony, in order to beſiege Magdeburg *, a well-fortified town, which had three thouſand men in garriſon. His army conſiſted of his Britiſh troops, now diminiſhed to fifteen hundred men, three thouſand Ger-

* This place had been taken the year before by Tilly. The Imperialiſts committed execrable cruelties: The whole city was reduced to aſhes, except the cathedral, and a few fiſhing huts on the banks of the Elbe. Above thirty thouſand of the inhabitants periſhed in the carnage.

man foot, and one thouſand Swediſh horſe. Guſtavus Ann. 1631. ſent him a reinforcement under general Bannier, that increaſed the number of his forces to ſeven thouſand men. Magdeburg, after having been reduced to great difficulties, was upon the point of capitulating, when the garriſon was unexpectedly relieved with a recruit of thirteen Ann. 1632. hundred men; and Pappenheim, with a body of Imperial forces, was coming to its aſſiſtance. Hamilton ſtrenuouſly inſiſted on fighting the enemy: Bannier differed in opinion, and produced a commiſſion from Guſtavus, appointing him general of the Swedes and Dutch in that army, together with orders not to hazard an engagement. Hamilton was forced to ſubmit, and to draw off his troops from the town. Pappenheim carried off the garriſon of Magdeburg, with all the rich effects that Tilly had brought together from the plunder of his victories. On his retreat, Hamilton took poſſeſſion of Magdeburg. After this expedition, he got ſo little aſſiſtance from the king of Sweden, who was determined not to indulge him with an independant command, that he was obliged to incorporate his remaining forces into the German troops; whilſt he himſelf, till he was recalled, ſerved as a volunteer under Guſtavus *."

* This German expedition of Hamilton's, which turned out ſo indifferently, had ſubjected him to a whimſical accuſation of treaſon. From motives of reſentment, either on the ſuſpicious death of his father, whom, it was vulgarly noiſed, died by poiſon, or from hatred to Buckingham on another ſubject—the being forced to marry his niece by the counteſs of Denbigh—he had retired from court. In this private way of life he continued from the laſt year of James's reign till the death of Buckingham, when, by the repeated ſolicitations of Charles, he accepted of the place of maſter of the horſe, gentleman of the bedchamber, and was made privy counſellor of the kingdoms of Scotland

Ann. 1632. THUS Charles loſt a fair opportunity of ſharing the glories and the conqueſts of the king of Sweden, that

and England. Soon after this, by the advice and direction of Charles, he entered into the forementioned engagements with the king of Sweden, for the levy of the ſtipulated contingency. Charles not only furniſhed him with a large ſum of money, but granted him a leaſe of the cuſtoms of the wines in Scotland for ſixteen years. Theſe and other extraordinary marks of royal favour raiſed ſo much envy amongſt the creatures of the court, that one Ramſey, a man employed by Hamilton in the buſineſs of levying ſoldiers, having talked to the lord Reay, a general officer in the Swediſh ſervice, in a looſe unguarded manner concerning the tyrannical conduct of the Britiſh miniſtry towards the Puritans, with other expreſſions of diſtaſte to the government, Reay pretended Ramſey had acquainted him, that the levies which were going on under the marquis of Hamilton, were to be employed in aſſerting his claim to the crown of Scotland; that he was to be joined by the earls of Haddington, Roxburgh, and Buccleugh, who were to ſurprize the forts, impriſon the royal family, and ſtrike off the heads of the chief miniſters, both in Scotland and England. This the lord Reay carried to the lord Ochiltree, the lord Ochiltree to Weſton the high-treaſurer, who magnified it in ſuch a manner to the King, as to allege a probability that the marquis, if admitted into the King's bed-chamber, might murder him. Charles, who was not apt to entertain ſuſpicions againſt his favourites, treated the matter ſlightly, admitted Hamilton to his preſence, and diſcloſed to him in a very friendly manner the accuſation which had been charged againſt him. The marquis deſired to be immediately tried, and offered himſelf to reſtraint till he was cleared. To this the King would not conſent; and, as a farther mark of an extraordinary confidence, commanded him to lie in the bed-chamber that night. When Ramſey was called upon, he abſolutely denied the converſation with which he was charged by Reay. There being no proof on either ſide, and the King being fond of every thing that was pompous, conſented that they ſhould be admitted to clear themſelves in the ancient way of combat. A court of chivalry was erected, and Robert earl of Lindſey made, for the occaſion, conſtable of England. The whole proceedings of the trial, the petitions and anſwers, with all the farcical ſolemnities uſed by this court, are entertaining: they may be found at length in Ruſhworth; but are too long, and

prince having offered to wage war till the reſtitution of the Palatinate, if he would have avowed himſelf a party againſt the houſe of Auſtria. Unhappily for Charles, his ambition was entirely confined to the making himſelf deſpotic at home. Had he avoided all diſſentions with his own ſubjects, he might, at this period, have rendered very important ſervices to the Proteſtant cauſe, and not only reinſtated his brother-in-law in his former poſſeſſions, but added to them ſome of the Imperial ſpoils. The unfortunate Palſgrave, after a long ſeries of diſappointments, died at Mentz, a few months after the battle of Lutzen. He followed Guſtavus's fortunes, and had ſo great a reliance on his honour, as to depend on being reſtored to his territories by his means: He was ſo ſanguine in this notion as to tell both Vane and Hamilton, that he believed he ſhould ſpend his Chriſtmas at Heidelberg, his capital. Nor was it without reaſon that he relied on the honour of this illuſtrious prince: Guſtavus had ever ſhewed himſelf ſincere in all his profeſſions, and open and candid in all his treaties. It is true he would not bind himſelf in any formal engagement with the king of England for the reſtitution of the Palatinate, becauſe that monarch had continually refuſed Ann. 1632. Harte's Life of Guſtavus Adolphus, vol. II. p. 108.

and of too trivial a nature, to be inſerted here. A day was awarded for the combat. The champions mounted the ſtage * in rich dreſſes: When the combatants were going to engage, the King's order interpoſed, and the buſineſs was ſtayed. A revocation of their letters-patent for trying this cauſe was brought to the lord-conſtable and marſhal, and thus the affair ended. The lord Ochiltree was carried to Scotland, and after a trial for the part he had acted, he was condemned to perpetual impriſonment. *Burnet's Memoirs of the Duke of Hamilton*, p. 7, 10, 21, *& ſeq.* *Ruſhworth*, vol. II. p. 112, *& ſeq.* *Guthrie*, vol. III. p. 910, *& ſeq.*

* Tothill-Fields.

to

Ann. 1632. to bear any part of the expence or hazard; but Guſtavus, in a converſation with Vane, declared, that though he was tender of promiſing one iota more than he could perform, yet he would at all events diſcharge the duties of a man of honour, and reſerve to himſelf the glory of executing more than he had promiſed. He ſolicited ſtrongly the French king to co-operate with him in reſtoring the Palatine; and alleged, that his anceſtors had ſupported Henry IV. againſt the enemies of the houſe of Bourbon. He afterwards took Frederic under his immediate protection, when the king of England had relinquiſhed his intereſt, and gave him as magnificent a reception as if he had been in poſſeſſion of the crown of Bohemia. The news of Guſtavus's death was ſuch an affliction to this unfortunate prince, that it at once put an end to his hopes and his life. After his deceaſe, Charles invited the queen of Bohemia, with her family, to reſide at his court: She excuſed herſelf on the account of her great grief, which rendered her incapable of taking a long journey. Some time before this, Sir Henry Vane had been inſtructed to ſet before her, in the ſtrongeſt colours, the expediency of permitting her eldeſt ſon to be bred a Papiſt in the court of Vienna, with a view to match him with one of the daughters of the houſe of Auſtria. To this propoſal, it is ſaid that the queen made the following reſolute reply: "That rather than be guilty of ſo irreligious and mean a condeſcenſion, ſhe would be her ſon's executioner."

Ruſhworth, vol. II. p. 184, & ſeq.

BESIDES the auxiliaries which Charles had ſent into Germany, he gave the emperor of Muſcovy leave to raiſe a regiment of two thouſand men, to be employed againſt the Poles. The emperor's deſign was againſt Smo-

Smolenſko. Whilſt diſpoſitions were making for the attack, Sanderſon, the commander of the Britiſh troops, was murdered in the trenches by one Leſley *, a Scotchman. The Poles taking advantage of the diſtraction which this accident occaſioned, fell upon the enemy, and put them to a total rout. The Muſcovite was conſtrained to accept of a peace upon very diſhonourable terms †. Ann. 1632.

To return to the affairs of England: Charles and his prime-miniſter, Laud, continued to indulge themſelves in the exerciſe of an unlimited power. Proclamations ſupplied the defects of law ‡, and the High-commiſſion Proclamations.

* Leſley was ſent over a priſoner into England, but eſcaped juſtice becauſe he could not be tried for a murder committed in a foreign country. He returned to Muſcovy, where, for ſuſpicion of treaſon, he was thrown from the top of a tower on ſharp ſpikes; and in that torture endured a lingering death. *Ruſhworth*, vol. II. p. 185.

† After the Ruſſian general returned home, he had his head cut off. His ſon, the lieutenant-general, was whipped to death, and his family baniſhed into the country of Siberia, there to catch ſables for the emperor's profit. *Ruſhworth*, vol. II. p. 185.

‡ All things relative to the civil government of the country were ſettled by proclamations. The unbounded power the King exerciſed in this particular, was in effect that of taxation. The ſale of tobacco was reſtrained by proclamation: this produced from all the towns and villages in England a certain price for a licence to ſell the prohibited drug; and a conſiderable revenue was extorted from the ſubject.

The lord-treaſurer Portland had inſiſted with the vintners, that they ſhould ſubmit to a tax of a penny a-quart upon all the wine that they retailed. On their refuſal, a decree was made in the Star-chamber, forbidding them to ſell or dreſs victuals in their houſes. To compound this matter, they were obliged to give the King 6000l. and ſubmit to pay half the duty that was demanded of them. After this the vintners, for a rent of 30,000l. a-year to the King, obtained a licence to raiſe wines one penny and two pence a quart more than they were uſually ſold at.

Ann. 1633. court perſecuted as Puritans all who refuſed to ſubmit to deſpotic government. This drove many that were well

A proclamation declared, that no hackney coaches ſhould be ſuffered, and that no perſon ſhould go in any kind of coach in the ſtreets of London and Weſtminſter, except the owner of the coach conſtantly kept four able horſes fit for his majeſty's ſervice whenſoever his majeſty's occaſions ſhould require, upon pain of his majeſty's high diſpleaſure and indignation, and ſuch pains and penalties as might be inflicted for the contempt of his majeſty's royal commands.

Commiſſioners were appointed to make a certificate to the council-board, or in the court of Star-chamber, of thoſe that, contrary to former proclamations, had enlarged the city of London by new buildings, or had divided houſes into ſeveral dwellings: 500l. 2000l. fines were ſet on thoſe tranſgreſſors againſt the letter of the proclamations, though they had taken the precaution to procure licences.

Ray, having tranſported fullers earth, contrary to a proclamation, was fined in the Star-chamber 2000l. and ſet in the pillory. Like fines were levied on Terry, Eman, and others, for diſobeying one that forbad the exportation of gold. *Rymer. Ruſhworth. Strafford's Letters.*

Lords, gentlemen, clergymen, and others, whoſe ſtay in London was not abſolutely neceſſary, were ordered to reſide in their reſpective counties. An information was lodged in the Star-chamber againſt ſeveral hundreds of people of quality and fortune, for that they had unlawfully agreed together how they might withſtand his majeſty's proclamation, and royal pleaſure therein expreſſed.

An order was ſent to the juſtices of the peace to preſent all noblemen, that had not particular leave of the King, who ſhould be found in town; and to impriſon all gentlemen. This was inflicted on one Palmer, who was committed to the Fleet, and fined 1000l. *Ruſhworth*, vol III. *Appendix*, p. 51.

There were more reaſons than one for prohibiting people of fortune to reſort to town: The oppreſſions of the times were become, in every ſocial meeting, the univerſal topic of converſation.

All the ſubjects likewiſe were forbid to depart the realm, without licence from the King, or ſix of his privy-counſellors.

There had been many of theſe kind of proclamations in the laſt reign. This was ſo far from being an acknowledged prerogative of the crown, that by a temporary act of parliament it was granted to Henry VIII.

affected to the Church of England into the neceſſity of Ann. 1633. ſiding with that party, to enable them to oppoſe the arbitrary meaſures of the court; and Puritaniſm, notwithſtanding the endeavours of the church and King, daily gained ground. The Preſbyterians, to ſtrengthen themſelves againſt the deſigns of their enemies, had entered into a project to ſet up ſtipendiary lectures in ſeveral market-towns, and had raiſed a ſtock to buy in ſuch impropriations as were remaining in the hands of the laity. A ſociety was eſtabliſhed, under the title of Feoffees for buying in of impropriations to be beſtowed on preaching miniſters. Twelve popular and religious men were erected into a kind of corporation to manage this buſineſs; and the ſcheme received ſo much encouragement and applauſe, that the jealouſy of Laud was at length rouſed. The feoffees were proſecuted by Noy, the attorney-general, in the court of Exchequer, under pretence that they uſurped upon the King's regality. The feoffment was condemned; the impropriations purchaſed confiſcated to the King's uſe; and the merits of the cauſe referred to a farther cenſure in the Star-chamber. New formalities were continually ſuggeſted by Laud, and approved by the King: A form of divine ſervice was introduced in the ſuperſtitious, whimſical ceremony of performing the cure of ſcrophulous diſeaſes by the royal touch. With theſe fantaſtical novelties, more important encroachments marked the potent influence of this arrogant prelate. The following queſtions were propoſed to the judges concerning the liberties and exemptions of the clergy: "Whether clergy-

Complete Hiſt. of England, vol. III. p. 60.

VIII. with a ſaving the lives and properties of the ſubject. The act was repealed in Edward VI.'s time.

Ann. 1633. men were bound to find watch and ward day or night? whether clergymen might be compelled to take apprentices by the ſtatutes of the poor?" To the firſt of theſe interrogatories the judges did not think fit to give a poſitive anſwer, but deſired leave to inform themſelves of the practice of the ſeveral counties of England. To the ſecond they agreed, that no man was expreſly out of the ſtatute; but there was a diſcretion in that point to be uſed by the juſtices of the peace.

Acts of power.

Rym. Fœd. vol. XIX. p. 280, & ſeq.

AMONG the exertions of abſolute ſovereignty recorded in the tranſactions of this reign, there is one of an enormous nature, unnoticed by hiſtorians. A commiſſion was granted to the archbiſhop of Canterbury, and the other members of the privy-council, for regulating the juriſdiction of the courts of juſtice. Theſe commiſſioners were to examine all queſtions, controverſies, and debates, ariſing about the juriſdiction of the courts eccleſiaſtical and civil. They were conſtituted with powers to call before them, as often as they would, any of the judges of the ſaid courts, or parties contending; to examine upon oath the officers and clerks; to hear and debate the queſtions and cauſes; to conſider and adviſe on the ſubject; and then to lay before the King the ſaid conſiderations, that he might determine by his authority the matter in diſpute *.

* In the preamble to this extraordinary commiſſion the King aſſerts, that the ſovereignty of juſtice was entirely in him by virtue of his kingly office; that for the eaſe and benefit of the ſubject it was diſpenſed and limited to other perſons and courts, according to ſuch orders as have been approved and eſtabliſhed by ancient cuſtom and law, or as the King had, or ſhould think fit to direct and appoint: "Which power, ſays the preamble, is not only our undoubted and hereditary right by our royal prerogative, but alſo agreeable to the practice of our royal progenitors in this our kingdom, and to the equity and true intention of our laws."

THE earl of Warwick, taking no notice of a commiſſion of this ſort, which had been given to determine on appeals from the court of Admiralty, appealed, on a judgment of this court, to the court of Chancery. This produced an order, that the earl of Warwick's cauſe ſhould be heard and judged by the commiſſioners which had been appointed by the crown for the purpoſe of determining on the aforeſaid appeals. Ann. 1633. Rym. Fœd. vol. XIX. p. 300.

CHAP. III.

The King's journey to Scotland.——Tranſactions there.——Death of Abbot.——Advancement of Laud.——His ſchemes and arbitrary proceedings.——Proſecution of Prynne.——Wentworth's behaviour as preſident of the council of York, and deputy of Ireland.——Affairs of that country.——Project of ſhip-money.——Death of Sir Edward Coke.——Scheme of a reconciliation with the church of Rome.——Impoſitions.

CHARLES had ruled England four years deſpotically; that is, had exerciſed by his ſingle authority every act of legiſlation. He had not only uſurped the power of raiſing money without conſent of the people; cancelled the right of property in the buſineſs of the feoffees; impoſed, by the judgment of his Star-chamber, rigorous and arbitrary penalties on offences not legally puniſhable: He had not only diſpenſed with confirmed ſtatutes, but his proclamations were conſidered by the miniſtry as

Ann. 1633. so many new ones; the breach of which was as severely punished as was the breach of the established laws of the realm. Notwithstanding an usurpation so violent and unnatural, the people, who have a kind of dread and reverence for established power, though unsupported by an adequate force, and being deprived of the protection of their representatives in parliament, legally invested with authority to oppose openly and boldly the usurpations of the crown, had in a manner seemingly submitted to the yoke of servitude. Though discontent sat visible on the public brow, yet there was no likelihood of its ripening into a civil commotion. Charles had not only freed himself from the expence of war, but had recruited his coffers with the pillage of his people. The venal tribe that surrounded him flattered him on the prospect of his affairs, on his principles of government; and instilled into him the pernicious notion, that though some turbulent individuals might complain, yet the people in general found themselves easy and happy under his administration. In this sunshine of his fortune, he undertook a journey to his kingdom of Scotland. Two important objects, besides the singular pleasure of a coronation, excited him to this expedition: to get money of a parliament, and to reduce the kirk of Scotland to a perfect conformity to his plan of church-government. In the year 1621, James, by the increase of the power he had gained on succeeding to the crown of England, found means to restore episcopacy in Scotland, and give to bishops their ancient jurisdiction over the church. Charles was determined to render them powerful; and to this purpose entered into a design of resuming all the church-lands which had been granted

during his father's minority. He bought the abbey of Aberbroth, and the lordship of Glasgow, from the families of Hamilton and Lenox, and added them to the two archbishoprics. Burnet relates, that in the third year of his reign, the earl of Nithsdale * was not only sent down with a power to receive the surrender of those that would willingly pay this extraordinary compliment, but to assure others, that the King would take rough courses, if they did not submit their rights to his disposal. The alarm that arose on the report of this intention occasioned such a heat, that Nithsdale was deterred from opening his instructions, and the attempt was retarded for some time. Charles having hitherto carried things with an high and successful hand in England; and, spurred on by the impatient Laud, who looked upon all moderation as a betraying the dignity of the church, now determined to attempt in his own person certain points necessary to establish ecclesiastical matters on the true hierarchical principles in Scotland.

Ann. 1633. Burnet's Hist. of his Own Times, fol. ed. 1724, vol. I. p. 20, & seq.

THE parade of majesty was not neglected on this important occasion. The King was attended by the prime of the English nobility, who vied with each other in the shew of equipage. The same absurd emulation took place among the Scots. The creatures and dependents of the court feasted the King so sumptuously during his progress, that it is said the earl of Newcastle expended on the occasion several thousands of pounds. Though the

The King's journey to Scotland. Rushworth. vol. II. p. 178, & seq.

* The earl of Nithsdale had married a niece of the duke of Buckingham. He was at this time believed a Papist, and before his death professed himself one. *Burnet*, vol. I. p. 20.

journey

Ann. 1633. journey was commenced May the thirteenth, it was not till the fifteenth of June that Charles reached Edinburgh. His entry and coronation were managed with ſuch profuſion, and ornamented with ſuch coſtly pageantry, that the whole country felt the importance of their viſitor. Laud, the director of the King's conſcience, was not forgotten: He was made a privy-counſellor of Scotland, the very firſt day of the King's arrival at Edinburgh, and was ſo arrogantly officious at the ceremony of the coronation, that Lindſey, the archbiſhop of Glaſgow, thro' moderation having avoided the putting on the gaudy robes of his order *, Laud forcibly thruſt him from his place at the King's left-hand, and ſupplied it with Maxwell biſhop of Roſs, ſaying, "Are you a churchman, and want the coat of your order?" The whole conduct of the intended reformation was intruſted to this imprudent zealot, who acquired ſuch an influence over the Scots biſhops, that they flung off their former moderation, and not only adopted his principles, but his violent meaſures. All the vacant church-preferments were filled up with his own creatures. Edinburgh was erected into an epiſcopal ſee; and one Forbes, whoſe religious opinions were little ſhort of Popery, appointed the firſt biſhop.

Tranſactions there. THE parliament of Scotland was not only munificent in their grants to the King †, but complimented him

* The robes of his order were embroidered. *Ruſhworth*, vol. II. p. 182.

† Concerning the grant given by the parliament, Charles thus expreſſes himſelf: "He was pleaſed to accept of it as the mite of their humble affection, in teſtimony of their thankful gratitude for ſo great a bleſſing

with paſſing every act that he propoſed, two only excepted. The firſt was, the regal prerogative eſtabliſhed as it had been aſſerted by a ſtatute made in the year 1606; to this an addition was made of another act paſſed in the year 1609, giving the crown a power of preſcribing habits to eccleſiaſtics. The ſecond was a reſumption of thoſe church-lands and tythes which had been alienated in the minority of the former reign. The majority of the Nobility and Commoners that compoſed the parliament * agreed to all that the firſt act contained relating to the King's prerogative aſſerted in the ſtatute of 1606; but diſſented from his power of impoſing upon eccleſiaſtics their habits; and deſired that the acts might be divided. Charles, who was preſent at the debate, pulled out of his pocket a liſt of all the members that compoſed the houſe, and inſiſting that the two acts ſhould not be disjoined, added, "Gentlemen, I have all your names on this paper, and I will know who will do me ſervice, who will not, this day." Notwithſtanding the King's impetuoſity, the bill was rejected by the major part of the aſſembly; but the clerk of the regiſter, who gathered the votes, removed this difficulty by declaring, that it was carried in the affirmative. The earl of Rothes aſſerted the contrary; but the King took up the matter, and inſiſted that the clerk of the regiſter's declaration ſhould be held good, unleſs the earl of Rothes would go to the bar, and accuſe him of falſifying a re-

Ann. 1633. Franklyn's Annals, p. 432, & ſeq. Guthrie's General Hiſt. of Eng. vol. III. p. 919.

Ruſhworth, vol. II. p. 183. Burnet, vol. I. p. 21, & ſeq.

a bleſſing as the perſonal preſence of us, their ſacred lord and ſovereign." *State Trials*, vol. I. p. 409.

* The King, Nobility, and Commons, ſit together, and make but one houſe.

Ann. 1633. cord of parliament *, which was puniſhable by death; and the earl of Rothes, if he had failed in the proof, was liable to the ſame penalty. He did not chuſe to venture on the dangerous accuſation, and the King carried his point. This outrage on the moſt important point of the conſtitution, in that ſolemn ſeat of juſtice the ſenate-houſe, in the face of the whole people aſſembled in their repreſentative body, made the nation conclude, that all their liberties were ſubverted; that a parliament was become a piece of idle pageantry, ſince it was in the power of a corrupt individual, the clerk, to declare and determine the majority of votes. This was not the only inſtance which Charles ſhewed the Scots of his arbitrary, violent diſpoſition. Hague, who, though the King's ſolicitor, was zealous for the freedom of his country, drew up a paper, ſetting forth the public grievances, and particularly what related to the tranſactions in the laſt parliament. This was to be ſigned by the anti-miniſterial lords, and by them preſented to the King. The earl of Rothes, from a motive of court-complaiſance, gave it to Charles to peruſe, before it was to be preſented in form. Charles, having read the paper, returned it, ſaying, "No more of this, my lord, I command you †." This authoritative expreſſion ſo intimidated the party, that they dropt the buſineſs. Balmerino ſuffered

Biſhop Guthrie's Memoirs, 8vo. ed. 1702, p. 9, & ſeq.

* Burnet relates, that the King knew the bill was rejected by the majority, for he had called for a liſt of the members, and had marked every man's vote.

† The King at the ſame time rejected a petition, preſented to him by ſeveral miniſters, ſetting forth the diſorders and innovations which had crept into the church. *Ruſhworth*, vol. III. *Appendix*, p. 143.

it

Ann. 1633. it to remain ſome time in the poſſeſſion of one Dunmoor, a lawyer: it fell into the archbiſhop of St. Andrew's hands, who carried it immediately to the King. Balmerino acknowledged, that he was in poſſeſſion of the original draught. There was a law in Scotland that made it high-treaſon to ſpread lies of the King or his government, commonly called leaſeing-making. This law was enforced by a ſtatute made in the late King's time; and the ſeverity of it increaſed by an addition, that it ſhould be likewiſe treaſon to know of any that did it, without ſpecifying the nature of thoſe lies. The words of the act were ſo general, that it was as bad as the *leſæ majeſtatis* amongſt the enſlaved Romans; that engine with which Tiberius rooted up the remaining virtue in Rome. This law, which prevents all ſuggeſtions againſt an adminiſtration, however badly exerciſed, rendered the legal conſtitution of Scotland an abſolute tyranny, without other redreſs than from the native ſpirit of the people, which, when rouſed and provoked beyond the bounds of manly ſuffering, often had recourſe to natural juſtice, by aſſembling in bodies, and executing thoſe ſtateſmen, judges, or juries, from whom they had received injuries. Balmerino's offence was thought within the forementioned ſtatute: An order was ſent for his commitment, and a ſpecial commiſſion came down for his trial: He was proſecuted for high-treaſon, and condemned to die *. The malevolence

* Charles let ſlip no opportunity of teaching his ſubjects their duty to majeſty; and in theſe documents he always ſuppoſes himſelf inveſted with abſolute ſovereignty. In his charge againſt Balmerino there is the following paſſage: "In ſo far as albeit by the law of God, and laws of all nations, the perſon of the ſupreme and ſovereign prince is

Ann. 1633. of the proſecution, and the injuſtice of the ſentence, were ſo highly reſented by the Scots, that they had aſſociated

and ought to be ſacred and inviolable, and he ought to be reverenced, honoured, and feared, as God's lieutenant on earth; and that all ſubjects are bound and tied in conſcience to content themſelves in humble ſubmiſſion to obey and reverence the perſon, laws, and authority, of their ſupreme ſovereign." The whole charge is in ſo peculiar a ſtyle, that it is worth peruſal. *State Trials*, vol. I. p. 407, *&* *ſeq.*

The ſubſtance of Burnet's account of Balmerino's trial is as follows. In Scotland there is a court for the trial of peers, diſtinct from the jury, who are to be fifteen, and the majority determine the verdict: the fact is only referred to the jury, the law is judged by the court. If the majority of the jury are peers, the reſt may be gentlemen. The earl of Traquair, the preſent lord-treaſurer, was thought the moſt capable man for buſineſs, and the beſt ſpeaker in the kingdom. He was charged with the lord Balmerino's trial. Hague owned himſelf the author of the petition, and withdrew into Holland. In the naming the judges, there appeared a deſign to have the lord Balmerino's life, for they were very weak or very poor. Much pains was taken to get a jury of the proper complection. It was long conſidered, on what the priſoner ſhould be tried: His hand interlining the paper, plainly ſoftening the matter, was not thought evidence that he drew it, or was acceſſary to it, and they had no other proof againſt him; nor could they from that infer that he was the divulger, ſince it appeared it was only ſhewed by him to a lawyer for counſel; ſo it was ſettled to inſiſt, that the paper tended to alienate the ſubject from their duty to the King, and that he, knowing who was the author, did not diſcover him. The lord Balmerino pleaded, that the ſtatute for diſcovery had never been put in execution; that it could never be meant but of matters that were notoriouſly ſeditious; that till the court judged ſo he did not take the paper to be of that nature, but conſidered it as full of duty, deſigned to ſet himſelf and ſome others right in the King's opinion; that he communicated the matter to the earl of Rothes, who told the King of the deſign; and that upon the King's ſaying he would receive no ſuch petition, it was quite laid aſide. A long debate had been much inſiſted on, whether the earl of Traquair, or the King's miniſters, might be of the jury or not? the court gave it in his favour. When they were

to execute juſtice after the old Scotch faſhion, and to cut Ann. 1633. in pieces the judges and the eight jurors. Charles was on this account obliged to grant Balmerino a pardon.

ſhut up, Gordon of Bucky, who forty-three years before had aſſiſted in the murder of the earl of Murray, and was thought on this occaſion to be a ſure man, excuſed his preſumption in being the firſt that broke ſilence, but deſired they would all conſider what they were about; it was a matter of blood, and they would feel the weight of it as long as they lived: he had in his youth been drawn in to ſhed blood, for which he had the King's pardon, but it coſt him more to obtain God's pardon; it had given him many ſorrowful hours, both day and night. As he ſpoke this, the tears ran down his face; a ſudden damp was ſtruck on the aſſembly: but the earl of Traquair taking up the argument, ſaid, they had it not before them whether the law was a hard law or not, nor had they the nature of that paper before them which was judged by the court to be leaſing-making; they were only to conſider whether the priſoner had diſcovered the contriver of that paper or not. Upon this, the earl of Lauderdale, who, though a profeſſed enemy to the lord Balmerino, took up the argument againſt what the earl of Traquair had urged, ſaid, that ſevere laws never executed were looked on only to terrify; that though after the court had judged the paper to be ſeditious, it would be capital to conceal the author, yet, before ſuch judgment, the thing could not be thought ſo evident that the party was bound to reveal it. On theſe heads the matter was debated many hours; but when it came to the vote, Balmerino was caſt by one. This occaſioned ſuch a general diſſatisfaction, that it was reſolved to force the priſon to ſet him at liberty; and if that failed, to revenge his death both on the court and the eight jurors. The earl of Traquair gave the King to underſtand, that the lord Balmerino's life was in his power, but that the execution was in no ſort adviſable, and thus procured his pardon. "My father, continues the author of this account, knew the whole ſteps of this matter, having been the earl of Lauderdale's moſt particular friend. He often told me, that the ruin of the King's affairs in Scotland was in a great meaſure owing to that proſecution. *Burnet's Hiſtory of His Own Times*, fol. ed. London, 1724, p. 22, *&* *ſeq.*

The manner in which the lord Balmerino's life was put into the hands of the court, would ſingly be a ſufficient example of the importance

Ann. 1633. NOTWITHSTANDING the cordial reception the King had received from his countrymen, yet the averſion they had ſhewn to innovations in their religious worſhip, or to any extenſion of the royal prerogative, gave ſuch a diſtaſte, that immediately after the diſſolution of the parliament Charles poſted in all haſte out of Scotland. The non-conformiſts had been treated with ſo unfavourable an aſpect, that when the provoſts of Stirling and Linlithgow, each of them, preſented the King with a piece of plate, one of them being a Preſbyterian was not admitted to kiſs his hands. The nobility and gentry of Fife had propoſed a magnificent entertainment for him; but the greateſt part of them being Preſbyterians, he took another road to avoid accepting their intended civility.

Rushworth, vol. II. p. 183, & ſeq.

WHILST the King was thus venting his diſguſt in theſe childiſh expreſſions of reſentment, Laud was appointed to preach in the royal chapel, which had been fitted up and ornamented according to his own directions, where he made violent declamations in favour of conformity to religious diſcipline and ceremonies. Charles, before

tance of that privilege which the conſtitution of England gives to its ſubjects; viz. that the jury, compoſed of men of an equal condition with the perſon proſecuted, are judges as well of the law as the fact. This may be pronounced the great bulwark that defends the life, property, and perſonal freedom, of every Engliſh ſubject from the exorbitant exertions of monarchical power. May this important conſideration have its due weight with the public! May no plauſible orations from a time-ſerving judge ſeduce an Engliſh jury to give up, on any occaſion, a right on which alone their own ſecurity, the ſecurity of their fellow-citizens, the ſecurity of their poſterity, ſo evidently depend!

he left Scotland, created the archbiſhop of St. Andrew's Ann. 1633. chancellor of the kingdom *, and admitted ſeveral prelates to ſeats in the privy-council, and in the college of juſtice. Thus the Scots, could they have had any doubt of the King's inclination, were by this conduct thoroughly convinced that material alterations were intended in their church-government †.

THE firſt ſtep that he took on his return to England was to appoint Laud to the metropolitical dignity of the ſee of Canterbury. The death of the pious, learned, and moderate prelate, George Abbot, happened on the fourth of Auguſt, this year. He was ſingular for preſerving his honeſty, and ſome ſmall degree of dignity; though a courtier, was never exceſſively fond of power, or deſirous of carrying the prerogatives of the church to any extraordinary height; this prudent moderation drew upon him many malevolent reflections from ſeveral bigoted hiſtorians of his own time. Among theſe, Heylin, a

Death of Abbot.

His character.

* This office had never been in the hands of a churchman, ſince the pope's authority had been ſuppreſſed in Scotland. *Clarendon*, vol. I. p. 67.

† The courtiers had been at great pains to have it believed in England, that thoſe Scots who had received favours from Charles and his father were men of the greateſt intereſt in their country; but the Engliſh who attended Charles in this journey, and who were willing to know the real ſtrength of his party, quickly perceived the falſhood of this ſuggeſtion. They ſaw the Scots in general behave with great contempt towards the royal favourites of their own nation; and that the men of weight were in an intereſt againſt the court. This produced the foundation of a correſpondence between the principal men of the two kingdoms. Charles appeared to be ſenſible of this; it was the occaſion of his quick return into England. *Guthrie*, vol. III. p. 909.

Ann. 1633. creature of Laud, taxes him with want of benevolence, when nevertheleſs this good archbiſhop was eminent for a munificent hoſpitality *, and a well-directed charity. The true incentives to this, and other unjuſt and acrimonious aſperſions, are, that Abbot had ever oppoſed the preferring Laud, on account of his furious opinions, had ſometimes ſcreened the non-conformiſts from unjuſt and illegal proſecutions, and laſtly, endeavoured to eſtabliſh, as a fundamental principle in eccleſiaſtical concerns, that the clergy ſhould attract the reverence of the laity by the ſanctity of their manners, and the uprightneſs of their morals, rather than to claim it as a prerogative due to their function.

Biographia Britannica, fol. ed. 1747, vol. I. note, p. 16.

Advancement of Laud.

Laud, now raiſed to the higheſt dignity in the church, was enabled to enforce with rigor that eccleſiaſtical diſcipline which he could not fully eſtabliſh during the life of his worthy predeceſſor †. Very exceptionable orders were ſent into Scotland, as a prelude to a general reformation ‡. In England, arbitrary oaths were impoſed by the biſhops on the church-wardens, who were to dilate any one who acted contrary to the articles that were en-

His ſchemes and arbitrary proceedings.

* He had been reproached by ſome of the high-church party for this virtue, that he lived too high, had too much company, and became thereby too popular. *Ruſhworth*, vol. I. p. 454.

† The non-conforming divines, having loſt in Abbot all protection from the fury of Laud, fled into Holland, into New-England, and other colonies. *Prynne's Trial of Laud*, p. 361, *& ſeq.*

‡ For theſe inſtructions *vide Ruſhworth*, vol. II. p. 206. An article relative to the coronation-ſervice gives riſe to a ſuſpicion, that Laud had been altering, or adding to, the form of that ceremony, as he had before done in England.

forced

forced by authority *. Farther, to exclude Preſbyterians from getting into the church, and render miniſters more Ann. 1633.

* The following are ſome of the articles preſcribed by Mountague biſhop of Chicheſter, and Wren biſhop of Norwich, at their ſeveral viſitations.

Has your chancel aſcents up to the altar? Have you two fair ſurplices, that no point of divine ſervice may be done but in miniſterial veſtments? Do your pariſhioners uncover their heads, ſit bare all ſervice-time, bowing towards the chancel and communion-table, and uſe thoſe ſeveral poſtures which fit the ſeveral acts and parts of divine ſervice? Do they ſtand alſo at the reading of the goſpel, and bend or bow at the glorious, ſacred, and ſweet name of Jeſus? Does your miniſter read the ſecond or latter ſervice at the communion-table? Is the grave made Eaſt and Weſt? Is the body buried with the head to the Weſt? Doth any married woman neglect after child-bearing to come to church to give thanks? Doth ſhe come veiled in a decent manner, kneeling nigh to the communion-table? Are all the pews and ſeats in the church ſo ordered, that all they that are in them kneel down with their faces towards the Eaſt? At the end of every pſalm do they ſtand and ſay, "Glory be to the Father, *&c.?*" Have you in your pariſh any that do not reverendly behave themſelves entering into the church; that is, by bowing towards the altar? Does your miniſter perform all the ſervices of the church in his ſurplice, and never omit the wearing of the ſame, or of his hood if he be a graduate? Amongſt other injunctions, the communicants were to come up and receive the ſacrament at the new rails kneeling.

The following is a copy of the oath adminiſtred to the church-wardens.

"That you ſhall duly conſider, and diligently enquire of all and every of theſe articles given you in charge, and tendered unto you; and that all affection, favour, malice, hatred, hope or reward, gain, diſpleaſure of great men, malice, or other ſiniſter reſpect, ſet aſide, you ſhall faithfully diſcharge your duty, and truly preſent all and every ſuch perſon of and in your pariſh as hath made any default, or committed any offence in or againſt thoſe articles, or that be vehemently ſuſpected or defamed of any ſuch offence or crime; wherein you ſhall deal uprightly, truly, and fully, preſenting all the truth, and nothing but the truth, without partiality, having God before your eyes, and an earneſt

Ann. 1633. dependent on the biſhop, ſtrict rules were made, whereby no lecturer whatſoever was admitted to be a canonical title. All ordination of miniſters to ſupply lectures were totally excluded, nor any chaplainſhip to a nobleman's family allowed to be a ſufficient title. By this means new interrogations were introduced, and orders denied in caſe of diſſent: Such as, whether the church had authority in matters of faith? whether bowing towards the altar at approaching it, or at coming in, or going out of the church, *&c.* were commendable *?

Chriſtian zeal to maintain truth, order, and religion, and to ſuppreſs the contrary. So help you God, and the contents of this book."

At this time all lectures and ſermons were in a manner ſuppreſſed; even the miniſters that enlarged on the queſtions and anſwers in the catechiſm, were ſharply removed and enjoined penance for the offence: ſo fearful were the prelates leſt the people ſhould exert their right of reaſoning in matters of religion. Of one Leigh, a prebend of the church and college of Wolverhampton in the dioceſe of Litchfield, Laud writes thus: "If you can faſten any thing upon him whereby he may be juſtly cenſured, pray ſee it be done, and home; or bring him to the High-commiſſion court, to anſwer it there. But however, let him not obtain any licence to preach any lecture there, or in another exempt place hard by (Tettenhall), whither thoſe of Wolverhampton do now run after him out of their pariſh.—For the church hath not much need of ſuch men." *Prynne's Trial of Laud*, p. 93, *& ſeq.* p. 278, *& ſeq.*

* The communion-table of St. Gregory's having been, by the dean and chapter of St. Paul's, removed from the middle of the chancel, and placed altar-wiſe, the pariſhioners, in an appeal to the court of arches, complained of the innovation, and pleaded that the book of Common Prayer, and the eighty-two canons, gave liberty to place the communion-table where it might ſtand with moſt convenience; that by a general cuſtom it had been determined towards the body of the church, or the bottom of the chancel. Laud brought this queſtion before the King and council. The King declared, that he well approved and confirmed the act, and required it to be confirmed by the dean

In the year 1627, according to an act which had Ann. 1633. paſſed in the firſt parliament of Charles's reign, chief-

dean of the arches, if the pariſhioners ſhould proceed in their appeal. The council for the pariſh having quoted biſhop Jewel, and other divines, (whoſe books were enjoined to be kept in all churches for the peruſal of the people) that the communion-table ought to ſtand in the middle of the church, archbiſhop Laud got up in a fury, and ſaid, "If this be the uſe they make of theſe books, Jewel and Fox, I deſire they may be taken out of churches." The decree of the council concerning St. Gregory's declares, that all churches ought to be guided by the cathedral mother church. Theſe kind of innovations occaſioned the like diſputes to ariſe in many pariſhes. The archbiſhop gave particular directions to the archdeacon of Canterbury, that within that city all galleries and raiſed ſeats which were level to the high altar, ſhould be taken down. His brother prelates, whom he had raiſed for this purpoſe, were no leſs aſſiduous in their dioceſes. The churchwardens of Beckington in Somerſetſhire were excommunicated by the biſhop of Bath and Wells, for refuſing to remove and rail in the communion-table, and pull down the ſeat that ſtood above at the Eaſt-end of the church. Having been excommunicated a whole year, they were impriſoned in the common gaol; where after lying a long time, they were at length releaſed, on their public ſubmiſſion and repentance, acknowledging, that they had grievouſly offended the divine majeſty of Almighty God, and the laws eccleſiaſtical of the realm of England, in not having obeyed the command of their right reverend father in God the lord-biſhop of Bath and Wells. The church-wardens of other pariſhes being proſecuted in the ſame manner, were obliged to fly into New-England. It would be tedious to relate all the examples of a like nature that happened on the oppoſition that theſe innovations met with. Several miniſters were ſuſpended and impriſoned, and enjoined ſubmiſſion and recantation. Hundreds of ſcrupulous people were excommunicated in almoſt every dioceſe in England, for refuſing to receive the ſacrament at the new rails. Miniſters were perſecuted in the High-commiſſion court, for adminiſtring the ſacrament to ſome of theſe conſcientious people. Notwithſtanding the extreme rigor with which this ceremony was exacted, biſhop Mountague, in a letter to Laud, owns, that he knew of no law, article, advertiſement, canon, or injunction, that required it; nor could he tell where or by whom it came up, only

Ann. 1633. Heylin, p. 255, & seq. Rushworth, vol. II. p. 191, & seq.

baron Walter, and Denham one of the puisne barons of the court of Exchequer, made an order at the summer-assizes held at Exon, for suppressing all revels, which had been used upon the Sunday, requiring the justices of the peace to see the same put in execution; and that every minister in his parish-church should read the said order yearly, on the first Sunday in February. Richardson, the chief-justice of the King's-Bench, on being importuned with many enormities that had happened at country-feasts, made, at the Lent-assizes in the county of Exon, a severe order against all wakes and revels, according to a statute which had passed in the fifth and sixth of Edward VI. This was represented as a suppressing of religious ceremonies; such as feasts of dedication, enjoined by former popes; and if the people should be deprived of these recreations, they would either go into conventicles, or into tippling-houses, and talk of matters of the church and state. Laud took fire, and complained to the King, that an encroachment was made on the ecclesiastical power, in imposing on men in holy orders the publishing of warrants and commands from the secular judges. On this complaint, Richardson was commanded to revoke his order: He, knowing that he was obeying the dictates of two confirmed statutes, disregarded the injunction, and at the next assizes published the same in a more peremptory manner than before. On this he was commanded to appear before the council; where he was so roughly treated for his former contempt by archbishop Laud, that on his dismission he com-

Prynne's Trial of Laud, p. 128, & seq.

that it was the practice of the Roman church, at least in Italy and Rome. *Prynne's Trial of Laud*, p. 89, *& seq.* p. 96, *& seq.*

plained

plained that he had been almost choaked with a pair of lawn sleeves. He was directed to revoke his order, which he did in the following manner: That he was commanded by his majesty to repeal his former order; which being warranted by so many precedents, he conceived he had no power absolutely to reverse, but he did, as much as in him lay, revoke it. This produced a petition, signed by all the justices of the peace upon the bench, desiring leave to suppress unlawful assemblies. Laud engaged the King to ratify a former declaration made by his father, which revived and enjoined the observation of wakes and feasts of dedication, and licensed sports on the Lord's-Day. This ratification was contrary to the express purport and words of the fore-mentioned act, and was so adverse to the prevailing opinions of the age *, that it occasioned a greater murmuring than almost any other illicit exertion of power which had happened in this reign †.

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* Charles paid so little attention to the opinion of the public in regard to keeping Sunday, that civil affairs were usually debated at the council-table; and that day was allotted for masks, plays, and such other amusements, contrary to a statute enacted in the first of his reign. *Hist. of K. Charles, by H. L.* p. 129.

† Many hundreds of clergymen, for refusing to publish the King's licence, were suspended from their ministry, sequestred from their livings, excommunicated, and prosecuted so severely in the High-commission court, that they were forced to leave the kingdom. Mr. Laurence Snelling, minister of St. Paul's Cray, in the county of Kent, having been deprived for this offence, objected to the authority of the court in a case merely civil. Laud, who presided, gave order not to accept his answer, insolently adding, that whoever should make such a defence, it should be burnt before his face, and he laid by the heels for his pains. *Prynne's Trial of Laud*, p. 151.

Ann. 1633. THE Dutch, the Walloons, and the French, who had taken refuge in England from that torrent of perſecution that deluged almoſt every other part of Europe during the ſixteenth century, had obtained from former kings the liberty of celebrating divine ſervice after their own manner. Laud was now determined to deprive them of that privilege: Having previouſly obtained the conſent of the King and council, he ſummoned their miniſters to appear before his vicar-general, who delivered them two injunctions. Firſt, that all the natives of the Dutch and Walloon congregations in his grace's dioceſe, ſhould repair to thoſe ſeveral pariſh-churches where they inhabited, to hear divine ſervice and ſermons, and perform all duties and payments required in that behalf. Secondly, that the miniſters, and all other of the Dutch and Walloon congregations who were not natives, and born ſubjects to the King's majeſty, or any other ſtrangers that ſhould come over to them, while they remained ſtrangers might have and uſe their own diſcipline, as formerly they have done; yet it was thought fit that the Engliſh liturgy ſhould be tranſlated into French and Dutch, for the better ſettling their children to the Engliſh government. Such injunctions were as a thunderſtroke to theſe ſtrangers, who had hitherto found in England an happy aſylum from all degrees of perſecution. They preſented a petition and remonſtrance to the archbiſhop, ſetting forth, that the injunctions now impoſed were oppoſite to all the privileges which had been continued to them during the reigns of king Edward VI. queen Elizabeth, and king James, and confirmed to them by his now majeſty's regal word. Laud returned anſwer, that his majeſty

Rushworth, vol. II. p. 272, & ſeq. Heylin, p. 276, & ſeq.

jeſty was reſolved his inſtructions ſhould hold; and farther added, in the true ſtyle and ſpirit of a perſecuting zealot, "For my part, I doubt not but yourſelves, or your poſterity at leaſt, ſhall have cauſe to thank both the ſtate and the church for their care taken of you; But if you refuſe (as you have no cauſe to do) and I hope you will not, I ſhall then proceed againſt the natives according to the law and canons eccleſiaſtical." Theſe threats were ſo ſeverely executed, that thouſands of families were driven out of this country into Holland and New-England, to the great damage of all kind of manufactures *.

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Coke, p. 311, & ſeq. Echard.

* Coke relates, that one hundred and forty families of the workers of the woollen manufactory, which ſupplied Hamburgh and the countries within the Sound, went into Holland, where the Dutch for ſeven years eſtabliſhed them free of houſe-rent and exciſe; and from theſe exiles became inſtructed in the woollen manufactory, which they were before unacquainted with.

The city of Canterbury had petitioned in behalf of the French and Dutch congregations dwelling among them; inſiſting, among other things, on the great charge they ſhould incur, if the relief of the poor French, which had hitherto been maintained on the common purſe of that church, ſhould be caſt upon them; and the great want of work which would happen to their own poor, if the manufactures of the French ſhould be diſcontinued. This produced no other effect than the following clauſe added to the injunction: That the natives ſhould continue to contribute to the maintenance of their miniſtry, and the poor of their church; and that an order ſhould be obtained from his majeſty, if it were deſired, to maintain them in their manufactures, againſt all ſuch as ſhould endeavour to moleſt them by informations.

It is ſaid, that Richelieu made the following ſpeech on this exacted conformity. "If a king of England, who is a Proteſtant, will not permit two diſciplines in his kingdom, why ſhould a king of France, who is a Papiſt, admit two religions?"

Ann. 1633. To render the church of England, formed after the new model, as much marked and as much diffuſed as the church of Rome, Laud adviſed, that the Engliſh liturgy, with all the new rites and ceremonies preſcribed, ſhould be impoſed on the regiments and trading companies abroad. The King's ambaſſadors in foreign countries had orders to withdraw themſelves from the communion of the Hugonots: And thus was entirely loſt to the crown of England the honour and the advantage of being eſteemed the head and the ſupport of the Reformation. On Laud's tranſlation to the ſee of Canterbury, the chapels of Lambeth and Croyden were ſuddenly adorned with all the trappings of Popery *. The ſtories of the old remains of paintings in the windows were made up according to the Roman miſſal. The furniture and ornaments of the communion-table were adequate to the windows; and as theſe were to be the leading examples to all the other churches, copes in adminiſtring the ſacrament were conſtantly worn, bowing towards the altar was punctually obſerved, with all the other puerile ceremonies which made up the eſſentials of Laud's religion.

Heylin, p. 274, & ſeq.

Ruſhworth, vol. II. p. 273, & ſeq.

The following was king Charles's anſwer to the deputies of the foreign churches, the thirtieth of April, 1625. "I aſſure you, that I will continue to you the ſame favour which the King my father did ſhew unto you; and I hope that my marriage ſhall not be any damage to you, but rather occaſion much good to your countrymen." *Coke*, vol. I. p. 311, *& ſeq.* *Heylin*, p. 279, *& ſeq.* *Trial of Laud, by Prynne*, p. 397.

* A rich large crucifix, embroidered with gold and ſilver, was hung up in the King's chapel, over the altar; to which, as Prynne tells us, the chaplains were ordered to make their beſt bows. Laud ſet the example at his ingreſs and egreſs, a lane being made for him to ſee the altar, and do his reverence to it.

gion. So indefatigable was this prelate in introducing theſe innovations, which reſembled the Romiſh ritual, that not only the ſubjects of Great Britain, but all Europe, believed the church of England to be relapſing faſt into the true orthodox ſuperſtition. The court of Rome entertained hopes of regaining its authority; and, in order to forward Laud's pious intentions, made him twice an offer of a cardinal's hat. He declined accepting it, ſaying, "That ſomething dwelt within him which would not ſuffer his compliance, till Rome were other than it is."

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Laud's Diary, in the Breviate of his Life, by Prynne, p. 18.

Laud's objection was to the pretenſions of the Pope: He did not chuſe to ſubject his metropolitical power to the court of Rome. It is very plain, that the genius of his religious opinions were very much the ſame with that of the Romiſh faith. If himſelf or his maſter had any objection to Popery, it aroſe, in the one, from the authority the Pope claimed over princes, and from the king-killing principles of the Jeſuits; in the other, from the deſire of enjoying a papal authority in Great Britain. The ſame profound veneration was demanded to the ſacerdotal character as the church of Rome exacted; the ſame abſolute ſubmiſſion to the creeds and decrees of eccleſiaſtical councils; the ſame pomp was affected in worſhip; and the ſame ſuperſtitious regard to ceremonies, days, poſtures, meats, and veſtments. This ſuperſtition, which as much defiled the purity of religion, and was as noxious to civil liberty as Popery, both the King and Laud avowed, and attempted by force to eſtabliſh; appealing to the unſettled opinions of half-converted prelates on the early dawn of Reformation, and

Ann. 1633. to the authority of fathers who wrote in ages when the Chriſtian church more than inclined to an idolatrous ſuperſtition, and was deeply ſullied with the droſs of time.

WHILST all England trembled at the power Laud exerted, from his influence over the council-table, Star-chamber, and High-commiſſion court; whilſt the terrors of Leighton's puniſhment hung yet on the mind of the public; the courage, or rather hardineſs, of William Prynne, a barriſter at law, give riſe to a ſcene of almoſt equal butchery. This man was a Preſbyterian, as obſtinate, as zealous, and as limited in his opinions, as Laud himſelf. His religious affections were much ſhocked at the increaſing profligacy of the times, excited and encouraged by a ſwarm of theatrical performances, whoſe numbers had in a manner deluged the age. The worthy purſuits of ſcience were, with never-failing watchfulneſs, barred from the ſubject by thoſe Arguſes that guard tyranny, the licenſers of the preſs. Thus excluded from the uſeful paths of literature, the people of genius and fancy applied themſelves ſolely to the writing of plays, and ſuch kind of compoſitions, which, tho' they gave no offence to power, were very deſtructive to the morals of the people, who purſued theſe amuſements with an eager uncloy'd appetite. The King, the Queen, and the whole court, entered with glee into a ſpecies of entertainment, which, whilſt it varied the action of the idle buſineſs of a monarchical life, helped to diſſipate that reflection in the public which is ſo formidable to ill-deſigning princes. Maſks and mummings, drolls and dancings, were now the chief occupation of life; and Charles,

Charles, who from his infancy had imbibed a taſte for romances, made one with the queen, the noblemen, the ladies, and other followers of the court, in theſe exhibitions *. In the midſt of this general rage for what was called pleaſure, Mr. Prynne took up the pen, and wrote a book, levelled againſt the darling diverſions of both King and ſubject. He tells us, in his dedication to the law-ſociety of Lincoln's-Inn, that he was incited to this daring act on having ſeen, in four ſeveral plays, great wickedneſs and lewdneſs; that ſome young gentlemen of his acquaintance, who frequented play-houſes, from being civil and chaſte, became ſo vicious and prodigal, that they were diſinherited by their parents; that the number of players, play-books, and play-houſes, were ſtill encreaſing; that above forty thouſand play-books were printed within two years; that two old play-houſes were lately re-edified and enlarged, and one new one erected; that the multitude of London play-haunters were ſo augmented, that all the ancient play-houſes, being five in number, were not ſufficient to maintain their troops; that a ſixth was now added to them: whereas, even in Nero's reign, there were but three ſtanding theatres in Rome. Mr. Prynne's great zeal to reform the age made him ſwell this performance to one thouſand pages, being a collection of all the paſſages againſt theatrical performances he had found in the fathers, and other grave authors, with his own prolix remarks. This ſtupendous work was entitled, "Hiſtrio Maſtix." It ap- Ann. 1633.

* They were allegorical repreſentations of deities, heroes, elements, ſeaſons; ſometimes the glories of the reigning family were ſung and danced in theſe pieces; with other flattering ſubjects of this ſort.

Ann. 1633. peared so inoffensive, that he got it formerly licensed by archbishop Abbot's chaplain. Six weeks after it came out, the queen acted a part in a pastoral. Laud, who was a great enemy to Prynne *, shewed this book to the King and queen, laying a malicious stress on a reference in the table of the work, "Women-actors notorious whores." Prynne was confined to the Tower. Dr. Heylin, Laud's creature, was set to collect all the severe passages in the performance; and Noy was charged to prosecute the offender in the Star-chamber †. Noy truly

Prosecutionof Prynne.

* For having detected him in his endeavours to impose Arminian tenets as the orthodox opinions of the church of England; on account of his publication against the necessity of episcopacy, against the innovations introduced in religious worship; and because of his success in procuring prohibitions to Laud's proceedings against him in the High-commission court. Prynne in this performance asserted, that bishops ought to invite the poor to their tables, to have part of the scripture read at meals, and preach constantly once a day; that ministers ought not to meddle with secular affairs, nor bear secular offices. *Prynne's Trial of Laud.*

† The behaviour of the individuals that composed this infamous court of Star-chamber, on the judgment they gave against Prynne is so puerile, insolent, and unbecoming the denomination of a court of justice, that it is proper in an history of those times to expose it to the contempt of the public.

The first that spoke was lord Cottington. He declared, that Mr. Prynne, in that libellous book, had expressed a malice against all mankind, and the best sort of mankind, kings, princes, peers, prelates, magistrates, and governors; that he was assisted immediately by the Devil himself, or rather, that he had assisted the Devil. Among other curious passages in Cottington's speech, he, addressing the assembly, said, "My lords, shall not all that hear these tidings think that it is the mercy of the King that Mr. Prynne is not destroyed? Have not we seen men condemned to be hanged and quartered for far less matters? One Pinchman, I was myself employed with others in the examining him: He confessed, that the writing for which he was questioned

performed the part of the king's attorney, inflaming his charge with forced constructions and aggravating Ann. 1633.

tioned was a sermon, which he did intend to preach; the words were against the person of the King, yet he never preached it; yet because he had written it with an intention to preach it, he was brought upon this point, and condemned to die. But this book is in print: It is against all magistrates, and particular against our sovereign and his blessed consort. And yet, my lords, it pleaseth his majesty to let Mr. Prynne have his trial here. Mr. Attorney noted unto your lordships, that you should see how necessary it was that Mr. Prynne should be clean cut off, as one that had a long time endeavoured to move the people against the King. So I say with Mr. Attorney, it is high time that Mr. Prynne may be cut off, so far as may go with the censure of this court. My lords, Mr. Prynne is better dealt withal than he would have princes dealt with: he has had fair trials."

The next person who spoke was the lord-chief-justice Richardson. "My lords, said he, every man taketh upon him to understand what he conceiveth, and thinks he is nobody unless he is in print. We are troubled here with a monster *(monstrum horrendum informe ingens)*. I do not think that Mr. Prynne is the only actor in this book, but that there were many heads and hands in it besides himself. I would to God in Heaven that the Devil, and all else that had their heads and hands therein besides Mr. Prynne, were, *&c.* for I think that they are all ill-willers to the state, and deserve punishment as well as Mr. Prynne doth. For the book, I do hold it a most scandalous, infamous libel to the King's majesty—a most pious and religious King; to the queen's majesty—a most excellent and gracious queen; such a one as this kingdom never enjoyed the like, and I think the earth never had a better. I said, it was a seditious libel: This point of sedition is the only thing that troubles me; and it is that which I shall offer to your lordships; for I do know it, the good opinion, heart, will, and affections of the King's subjects, are his greatest treasure. Now if this be so, for any man cunningly to undermine these things, to take away the hearts of the subjects from the King, and to bring the King into an ill opinion among his people, this is a most damned offence; and if I were in my proper place, and Mr. Prynne brought before me, I should go another way to work. I protest unto your lordships, it maketh my heart to swell, and my blood in my veins to boil (so cold as I am) to see this

or

Ann. 1633. terms, till general invectives againſt plays were mounted to a treaſonable libel, of dangerous conſequence to the

or any thing attempted, which may endanger my gracious ſovereign: it is to me the greateſt comfort in the world to behold his proſperity. Mr. Prynne writeth, that Tribellius Pollio relates, that Martian, Heraclius, and Claudius, three worthy Romans, conſpired together to murder Gallienus the emperor, a man much beſotted, and taken up with plays, to which he likewiſe drew the magiſtrates and people by his lewd examples; as Flavius and others conſpired Nero's murder for the ſelf-ſame cauſe. Now, my lords, that they ſhould be called three worthy perſons that do conſpire an emperor's death (though a wicked emperor), it is no Chriſtian expreſſion. If ſubjects have an ill prince, marry what is the remedy; they muſt pray to God to forgive him; and not ſay they are worthy ſubjects that do kill him. If they were worthy acts, Mr. Prynne, I can tell what you are. No man will conſpire to murder a king, that can be a worthy actor; for the very thought of it is high-treaſon. He ſpeaketh of theſe three, that they were three worthy Romans that did conſpire to murder Nero. This is moſt horrible; and here can be no manner of expoſition, but in the worſt ſenſe. For his excuſe, he hath made none at all, only that it was not his intention."

The earl of Dorſet, the queen's chamberlain, was the laſt man that ſpoke: He ran out into an elogium on his miſtreſs. "Now, my lords, ſaid he, as he hath wounded his majeſty in his head, power, and government, and her majeſty, his majeſty's dear conſort, our royal queen, and my gracious miſtreſs, I can ſpare him no longer; I am at his heart. *Oh, quantum! &c.* If any caſt aſperſions and cenſures on our queen and her innocency, ſilence would prove impiety, rather than ingratitude in me, that daily contemplate her virtues. I will praiſe her for that which is her own; ſhe drinks of the ſpring-head, whilſt others take up with the ſtream. I ſhall not alter the great truth, that has been ſaid with a heart as full of devotion as a tongue of eloquence, the other day, as it came to his part, Sir John Finch: "My lords, her own example to all virtues, the candor of her life, is a more powerful motive than all precepts, than the ſevereſt laws; no hand of fortune or of power can hurt her; her heart is full of honour, her ſoul of chaſtity; majeſty, mildneſs, and meekneſs, are ſo married together, and ſo impaled in her, that where the one begetteth admiration, the other love. Her

realm and ſtate. Prynne having owned himſelf the au- Ann. 1633.
thor, the following cruel ſentence was paſſed upon him:

Her ſoul of that excellent temper, ſo harmoniouſly compoſed; her zeal in the ways of God unparalleled; her affections to her lord ſo great, if ſhe offend him it is no ſun-ſet in her anger; in all her actions and affections ſo elective and judicious; and a woman ſo conſtant for the redemption of all her ſex from all imputation which men ſometimes lay on them; a princeſs for the ſweetneſs of her diſpoſition, and for compaſſion, always relieving ſome oppreſſed ſoul, or rewarding ſome deſerving ſubject. Were all ſuch ſaints as ſhe, I think the Roman church were not to be condemned. On my conſcience, ſhe troubleth the ghoſtly father with nothing, but that ſhe hath nothing to trouble him withall. And ſo, when I have ſaid all in her praiſe, I can never ſay enough of her excellency; in the relation whereof an orator cannot flatter, nor a poet lie." When the earl of Dorſet had finiſhed his exalted panegyric, he gave his ſentence againſt Mr. Prynne in the following low, illiberal, abuſive terms. "Mr. Prynne, ſaid he, I do declare you to be a ſchiſm-maker in the church, a ſedition-ſower in the commonwealth, a wolf in ſheep's cloathing; in a word, *omnium malorum nequiſſimus*. I ſhall fine him 10,000l. which is more than he is worth, yet leſs than he deſerveth. I will not ſet him at liberty, no more than a plagued man, or a mad dog, who, though he cannot bite, he will foam. He is ſo far from being a ſociable ſoul, that he is not a rational ſoul; he is fit to live in dens with ſuch beaſts of prey as wolves and tigers like himſelf; therefore, I do condemn him to perpetual impriſonment, as thoſe monſters that are no longer fit to live among men, nor to ſee light. Now, for corporal puniſhment, my lords, whether I ſhould burn him in the forehead, or ſlit him in the noſe; for I find that it is confeſſed of all, that Dr. Leighton's offence was leſs than Mr. Prynne's—then why ſhould Mr. Prynne have a leſs puniſhment? He that was guilty of murder was marked in a place where he might be ſeen, as Cain was: I ſhould be loth he ſhould eſcape with his ears, for he may get a perriwig, which he now ſo much inveighs againſt, and ſo hide them, or force his conſcience to make uſe of his unlovely love-locs on both ſides; therefore, I would have him branded in the forehead, ſlit in the noſe, and his ears cropt too, my lords. My lords, I now come to this ordure, I can give no better term to it, to burn it, as it is common in other countries; or otherwiſe we ſhall bury Mr.

Ann. 1633. Sentence on Prynne.

" To be put from the bar; to be excluded from the ſociety of Lincoln's-Inn, and degraded at Oxford; to ſtand in the pillory at Weſtminſter and Cheapſide, with a paper

Prynne, and ſuffer his ghoſt to walk: I ſhall therefore concur to the burning of the book. But let there be a proclamation made, that whoſoever ſhall keep any of the books in his hands, and not bring them to ſome public magiſtrate to be burnt in the fire, let them fall under the ſentence of this court."

The earl of Dorſet, in the beginning of this harangue, ſaid, that he ſhould do that which a judge ought to do; *viz.* aſſiſt the priſoner at the bar.

Mr. Prynne had lain a whole year in the Tower before he was brought to this court to receive ſentence. In the following year he was again proſecuted for having written a letter to Laud, with very free animadverſions on the ſeverity of his treatment: He eſcaped a ſecond puniſhment by dexterouſly getting the letter in his hands, and thus deprived the archbiſhop of evidence. Noy opened the charge by ſaying, that he had had much more favour ſhewn him than he deſerved; he had been mercifully dealt withal. He had been in priſon, he had been degraded, he had had his ears cut off, he had undergone all ſhame.

There is a paſſage in lord Cottington's ſpeech, on his ſentence given againſt Prynne, which gives riſe for ſuſpicion that there were cruelties practiſed by Charles and his miniſtry, againſt the oppoſers of the court, which are unknown to poſterity. One Pinchman was condemned to die for writing a ſermon he never intended to preach. I believe there is a miſtake in the printing this name, and that the fact Cottington mentions relates to one Edmund Peachum, who, in the twelfth of James, was tried in Somerſetſhire for the aforeſaid offence, and brought in guilty of high-treaſon: He had been kept in priſon a whole year before his trial. In priſon, he had been racked ſeveral times, as has been obſerved in the firſt volume of this Hiſtory. James was ſo deſirous of obtaining his condemnation, that he ſent his ſerjeant and ſolicitor down to proſecute him. In this reign, I find an inſtance of a man impriſoned and racked on a falſe information of treaſon. *Ruſhworth*, vol. II. p. 247, *& ſeq.* Vol. III. *Appendix*, p. 34. *Letters, Speeches, &c. by Dr. Birch*, p. 47, note. *State Trials*, vol. I. p. 396, *& ſeq.*

on

on his head, declaring his offence to be an infamous libel againſt the King, the ſtate, and the government; to loſe an ear in each place; to have his book burnt before his face by the hands of the common hangman; to be fined five thouſand pounds to the King; and to ſuffer perpetual impriſonment. Michael Sparkes, the publiſher and printer of the book, was fined five hundred pounds, and to ſtand in the pillory. Buckner, the chaplain, who licenſed it, fifty pounds. He was uſed with this lenity becauſe he avowed to the court, that he approved of all the ceremonies then uſed in the church; church-muſic he did allow of, and bowing at the name of Jeſus. Ann. 1633.

THE illegal, barbarous puniſhment that had been inflicted on Prynne, inſtead of rouſing the half-ſubdued ſpirit of the Engliſh, gave riſe to a pompous performance of the ſame ſort which the unfortunate barriſter had with ſo much hardineſs condemned. Noy the attorney-general, Sir Edward Finch the ſpeaker of the houſe of Commons, and other dependents of the court, had ſo much influence on their brethren, as to inſtigate them to offer a maſk to the King and queen, to wipe off the ſtain of being thought diſaffected to their favourite amuſement. To the ridicule of every perſon of common ſenſe in the kingdom, the four grave ſocieties of the inns of court threw aſide their law-ſtudies, and attached themſelves with earneſtneſs to the important buſineſs of a maſk, the regulating of which was entruſted to committees and ſub-committees appointed for that purpoſe. Neither pains nor coſt was neglected: It is ſaid that this compliment coſt the lawyers upwards of

Ann. 1633. 21,000 l.* The King and queen were ſo delighted with the ſhow, that, according to their deſire, it was again repeated in the city, at the expence of the lord-mayor, who entertained them with a magnificent dinner; and the city had the complaiſance to preſent the queen with a jewel worth four thouſand pounds. They had offered a preſent of two thouſand pounds; but that was rejected by the queen's chamberlain, as a gift not coſtly enough †.

Strafford's Letters, vol. I. p. 207.

* The lawyers ſhewed their diſlike to patents and monopolies by a piece of ſatire introduced in the maſk. Patents were ridiculed by a man riding on a little horſe with a great bit, himſelf wearing a bit, head-ſtall, and reins, and begging a patent that none in the kingdom might ride their horſes but with ſuch bits as they ſhould buy of him. Monopolies were ridiculed under the character of a man with a bunch of carrots upon his head, and a capon on his fiſt, begging a patent of monopoly, as the firſt inventor of the art of fattening capons with carrots. *Whitlock*, p. 18, *& ſeq.*

† Among the proclamations of this year, one enjoined the uſe of the bow and pike in military diſcipline. Another was publiſhed for prizing of wines: The price of the beſt French wine was fixed at one ſhilling a quart. Another reſtrained the ſale of tobacco; and another limited the prices of victuals within the houſhold: This order was executed by an officer nominated the Clerk of the market of his majeſty's houſhold, who not only ſet arbitrary rates on proviſions, but regulated the buſineſs of weights and meaſures, and all abuſes therein. So very monarchical was the practice of theſe times, that this officer was inveſted with a power to inflict not only pecuniary but corporal puniſhment on offending and refractory perſons. Farther to ſhew the power which the King and privy-council exerciſed to dictate in all matters relative to the police of the country, an order of the council was hung up in a table near St. Paul's and the Black Friars, to command all that reſorted to the playhouſe to ſend away their coaches to diſperſe abroad in St. Paul's church-yard, and other places, not to return to fetch their company, but they to go on foot to their coaches.

A com-

THE moſt active ſecond of Laud in all his arbitrary practices was the lord viſcount Wentworth *. This man, ſince he commenced courtier, had become ſo great a tool of monarchy, and given ſuch way to his vanity, and other contemptible paſſions, that he ſeems to have ſacrificed with his virtue all pretenſions to common ſenſe. During his preſidentſhip of the council of York, he exerciſed his power not only unjuſtly, but with a childiſh inſolence. Sir David Fowlis, one of the council of York, a deputy-lieutenant, and juſtice of the peace; Sir Thomas Layton, ſheriff of the county; and Henry Fowlis, Eſq. were by him brought into the Star-chamber for diſcouraging people from paying their compoſition-money in the matter of knighthood. Tho' the charge was frivolous, and amounted to nothing but ſome trifling cenſures of the preſident, and juſt reflections on the authority of the council of York; after aſſerting the prerogative of the crown in the buſineſs of knighting, the

Ann. 1633.

Wentworth's behaviour as preſident of the council of York.

A commiſſion was given to the archbiſhop of Canterbury, the biſhop of London, and others, for the compounding of differences between debtors and their creditors. This act of arbitrary ſovereignty had been exerciſed both by Elizabeth and James.

Among the numberleſs proclamations of this reign, there is one againſt merchants, fiſhermen, and mariners, who having in king James's time been prohibited to trade with the ſavages of New-England, did barter away to thoſe ſavages ſwords, pikes, muſkets, match, powder, ſhot, *&c.* with which they deſtroyed the Engliſh who ſold thoſe weapons to them. *Strafford's Letters*, vol. I. p. 175, *& ſeq.* *Rymer*, vol. XIX. p. 210, 228, *& ſeq.*

* Wentworth's firſt advice in council was, that the King ſhould take tonnage and poundage as belonging to his prerogative, if the parliament refuſed to grant it; and to protect the farmers of the cuſtoms in defiance of that aſſembly. *Lloyd's Worthies*, fol. ed. Lond. 1668, p. 22.

Ann. 1633. court fined Sir David Fowlis, as the principal offender, five thouſand pounds to the King, and to acknowledge his great and ſeveral offences to his majeſty and the lord viſcount Wentworth, not only in the court of Star-chamber, but in the court of York, and likewiſe at the open aſſizes in the ſame county, where the decree was to be publicly read; moreover, to pay three thouſand pounds to the lord Wentworth. As the council urged no proof againſt Sir Thomas Layton, he was diſmiſſed without cenſure. Henry Fowlis was committed to the Fleet, and to pay five hundred pounds to the King's uſe *.

* In the following manner did Wentworth prejudge the cauſe, and ſolicit his fellow-counſellors for a ſentence flattering to his vanity and his revengeful diſpoſition. To lord Cottington he writes thus: "The ſentencing this man (Fowlis) ſettles the right of knighting buſineſs bravely for the crown; for in your ſentence you will certainly declare the undoubted right and prerogative the King hath therein, by common law, ſtatute law, and the undeniable practice of all times: And therefore I am a ſuitor by you to his majeſty, that he would be graciouſly pleaſed to recommend the cauſe to the lords, as well in his own right, as in the right of his abſent poor ſervant, and to wiſh them all to be there. You are like to begin the ſentence; and I will be bold to tell you my opinion thereon: You have been pleaſed ſometimes, as I ſat by you, to aſk me my conceit upon the cauſe then before us; admit me now to do it upon my own cauſe; for by my truth I will do it as clearly as though it concerned me not. Firſt, I deſire you to remember how Greenfield was fined for calling my lord Suffolk only baſe lord; how a jury gave three thouſand pounds damages to my lord Say for the ſame words; and then balance the ſlander moſt ignominiouſly and maliciouſly put upon me by Sir David and his ſon, and let me not be leſs valued than other men, when I conceive that I merit to be more regarded than they: For, firſt, I ſuffer merely for my zeal in his majeſty's ſervice, never having given him the leaſt perſonal offence in all my life. Secondly, I was then in the heat of his majeſty's buſineſs, which might by this means, taking away my credit, have been deſtroyed: I was (albeit unworthy) in that place chief governor under

THE council of York had been erected by Henry VIII. Ann. 1634. without any authority of parliament, under the ſpecious pretence of eaſing thoſe ſubjects who had not money to

under his majeſty, his lieutenant, and preſident of his council there, which makes this a direct mutiny, and ſtirring up a ſedition againſt the regal authority, as well as me. Thirdly, it is the moſt untrue, as well as malicious calumny, that ever was ſet on a man.—Much more I could ſay, if I were in the Star-chamber to ſpeak in ſuch a cauſe for my lord Cottington. But I will conclude with this, that I proteſt to God, if it were in the perſon of another, I ſhould, in a cauſe ſo foul, the proof ſo clear, fine the father and the ſon, Sir David and Henry Fowlis, in two thouſand pounds a-piece to his majeſty, and in two thouſand pounds a-piece damage to myſelf for their ſcandal; and they both to be ſent down to York, and there publicly, at York-aſſizes next, to acknowledge in the face of the whole country the right his majeſty hath to that duty of knightings, as alſo the wrong he hath done me; humbly craving pardon of his majeſty, and expreſſing his ſorrow ſo to have miſrepreſented his majeſty's moſt gracious proceeding, even in that courſe of compounding, where the law would have given him much more, as alſo for ſo falſly ſlandering and belying me without a cauſe. For Sir Thomas Layton, he is a fool, led on by the noſe by the two former; nor was I willing to do him any hurt, and ſo let him go for a coxcomb as he is; and when he comes home, tell his neighbours it was well for him he had leſs wit than his fellows."

On Wentworth's compliments on this account to Laud, he returned anſwer, That whereas he (Wentworth) ſerved the church ſo heartily, church-men would be much to blame if they did not ſerve him.

Wentworth brought a yet more childiſh complaint againſt Henry Bellaſis, ſon to the lord Falconberg. He was called before the council-board to anſwer his not having pulled off his hat to the lord-preſident. Notwithſtanding he pleaded he was talking to the lord Fairfax, and that his face was turned another way, he was committed to the Gate-houſe, till he had on his knees made an acknowledgment to the offended preſident. *Strafford's Letters*, vol. I. p. 145, 212, *& ſeq.* *Ruſhworth*, vol. II. p. 8.

proſecute

Ann. 1634. profecute their ſuits in the courts of Weſtminſter. The juriſdiction of this unconſtitutional court extended over Yorkſhire, Northumberland, Cumberland, and Weſtmoreland, the biſhopric of Durham, the counties of the cities of York, Kingſton upon Hull, and Newcaſtle upon Tyne. At the firſt, it acted according to the rules of other criminal courts; but king James, in the very firſt year of his reign, by his commiſſion to the lord-preſident, made it depend on inſtructions which the King ſhould ſend; its bounds to be limited or enlarged according to the conveniencies of ſtate. Charles, who improved upon every plan of uſurpation which had been traced out by his father, at the deſire of the lord Wentworth, renewed the commiſſion to him, with ſuch exorbitant powers that it made the council of York a court of equity, with an extenſive civil juriſdiction, independent of the courts of Weſtminſter, and every rule of law in the kingdom. Among other matters, the preſident and council were to puniſh divers offences, whether the ſame was provided by act of parliament or not, ſo as the fines impoſed were not leſs than were appointed by parliament. Likewiſe, to hear and determine, according to the courſe of proceedings in the court of Chancery, all manner of complaints, and to ſtay proceedings in the courts of common law, by injunctions or otherwiſe, as is uſed in the courts of Chancery; that no prohibition ſhould be granted at all, but in caſes where the preſident exceeded the limits of his inſtructions; and that if a Habeas Corpus was granted, the party not to be diſcharged till he performed the decree of the court; if any fine or amerciament ſhould be ſet for not freeing ſuch perſons committed

Rym. Fœd. vol XIX. p. 414, & ſeq.

mitted before the decree was performed, the treaſurer and barons of the Exchequer were by the inſtructions ordered to diſcharge it. And if any commiſſion of rebellion againſt the decree of the ſaid court ſhould be ſued out of the court, and the party ſhould happen to fly out of the juriſdiction of the ſaid court, the ſerjeant at arms attending the lord-preſident or vice-preſident, or any other they ſhould authorize in that behalf, were to attach the perſon ſo offending in any parts of the realms of England *. "And whereas, added the inſtructions, we perceive that mildneſs and favours do much bolden the evil-diſpoſed, we earneſtly require the ſaid lord-preſident and council, for ſome convenient ſeaſon from henceforth to uſe ſeverity againſt notable offenders, and to puniſh them without long delay, not only by pain of body and impriſonment, but alſo by good fines and amerciaments, ſo as the opinion and report of ſeverity may work that by force which is, and hath long been ſeen will not be obtained by favour and gentleneſs †." Ann. 1634.

* Theſe inſtructions were even more arbitrary than thoſe that were given to the lord-preſident of the principality of Wales. The government of this country had been thought ſo oppreſſive, that James had been continually petitioned by the Commons, though in vain, to give up this part of his prerogative, and admit that the Welſh ſhould be under the ſame juriſdiction as were the ſubjects in England.

† Theſe additional clauſes were added on the lord Wentworth having exerted a tyranny beyond the bounds of his inſtructions. One Vaux procured a prohibition: he was arreſted by a warrant from the lord Wentworth, and afterward reſcued. Another warrant was directed for the bringing the reſcuers from London to York, where they were impriſoned: Wentworth ſaying, that whoſoever brought a prohibition there he would lay them by the heels; that he would try the juriſdiction of the court of York; and if the judges did not remand the cauſe back again, he would appeal to the King. Mr. Thorpe, a lawyer and juſtice

Ann. 1634. THE attention of the miniſtry for the firſt five years of Charles's reign had been ſo entirely directed to the

juſtice of peace, on obtaining a prohibition, was put out of his office. He having, at the quarter-ſeſſions, declared he would appeal from that court to the judges, Wentworth brought him upon his knees to make ſubmiſſion; ſaying, that he would teach him there were other men for him to complain to, the preſident and council. Wentworth was angry with Thorpe for not continuing long enough on his knees, and bound him over to his good behaviour, and to make ſubmiſſion at the ſeſſions for having defended his client's cauſe with warmth, though he appealed to the King's council whether he had ſpoken any thing contrary to law. This was not the only proſecution Thorpe met with from the angry deputy: One day, as he attended a cauſe in the Star-chamber, Wentworth accoſted him thus: "I command you not to depart the town." In compliance with this injunction, Thorpe attended ſome time, without being told the nature of his offence, only that he did oppoſe the lord Wentworth, and he ſhould attend. At length, by the intereſt of the lord Goring, he was diſmiſſed into the country, with an order to pay knighthood-money, though he had not been in poſſeſſion of forty pounds a-year three years before the coronation, as mentioned in the writ. Another offender having been arreſted by a ſerjeant at arms, and kept eighteen weeks in confinement, appealed to the King at the council-table. Wentworth being preſent, fell on his knees, and beſought the King to let him leave his ſervice, if his inſtructions might not be ſo good as to bring in a delinquent that had ſtepped over the water. The preſident complaining to Cottington that the Exchequer-men had ſent out warrants to bind all recuſants to their good behaviour, writes, "And to help this matter the better, juſtice Vernon openly in his charge at York-aſſizes delivered, as he ſaid, my lord-keeper's directions, and the King's command, concerning recuſants; that his majeſty's pleaſure was, that the juſtices of the peace ſhould execute all the ſtatutes upon them, which was obſerved to be very faintly and remiſsly performed, and eſpecially that of twelve-pence a-Sunday; and preſſed it ſo far as to make their former neglect of execution diſloyalty, if not perjury. It ſeems, either did my lord-keeper very effectually deliver his majeſty's pleaſure to the judges before the circuit, or this juſtice Vernon very dutifully obſerve it. Betwixt them, I am ſure they have made all the recuſants ready to run from their compoſitions, thinking

ſubduing the determined ſpirit of the Engliſh ſubject, Ann. 1634. that Ireland had been in a manner neglected. To the Affairs of Ireland. Iriſh plantations, undertaken by king James, Scotland

thinking that there is no faith to be kept with them on this earth; and ſo hazards the overthrowing a greater ſervice than they, put them both together, will do his majeſty, I believe, this ſeven years. Nor was Mr. Juſtice Vernon leſs peremptory with his majeſty at Durham: for being on the bench, hearing a Niſi Prius, there were offered by the one ſide certain depoſitions to be read, taken before the preſident and council; the judge rejected them. It was replied, by the King's inſtructions they were commanded to be read; and offered to ſhew that article in the inſtructions under the great ſeal of England, which ſo ordains it; but my gentleman, he knew of no ſuch matter—the inſtructions were nothing to him—and ſo would not ſuffer either the reading of the depoſitions or articles. If this were not a goodly example, in the face of a country living under the government of a preſident and council, for the reſpect and obedience due to the authority ſet over them by his majeſty, of that awful reverence and duty which we all owe to his majeſty's declared good will and pleaſure, under the great ſeal, I am much miſtaken. I do therefore moſt humbly beſeech this judge may be convented at the council-board, charged with theſe two great miſdemeanors; which if he deny, I pray you ſay openly in council, that I am the perſon will undertake to prove them againſt him; and withal affirm, that by theſe ſtrange extravagant courſes he diſtracts his majeſty's government and affairs more than ever he will be of uſe to them; and that therefore I am a moſt earneſt ſuitor to his majeſty and their lordſhips, that he be not admitted to go that circuit hereafter: and indeed, I do moſt earneſtly beſeech his majeſty by you, that we may be troubled no more with ſuch a peeviſh, indiſcreet piece of fleſh.

"I confeſs I diſdain to ſee the gown-men in this ſort hang their noſes over the flowers of the crown, blow and ſnuffle upon them, till they take both ſcent and beauty off them; or to have them put ſuch a prejudice upon all ſorts of men, as if none were worthy to be truſted with honour, and adminiſtration of juſtice, but themſelves." *Ruſhworth*, vol. II. p. 158, *& ſeq.* *Strafford's Letters and Diſpatches*, vol. I. p. 129, *& ſeq.*

Ann. 1634. Collier's Eccleſiaſtical Hiſtory, fol. ed. 1714, vol. II. p. 708.

had tranſplanted the greateſt number of adventurers: theſe planters gave the tinct of Calviniſm to the reformed religion in that country. In the year 1615, by the management of the learned Dr. James Uſher, then provoſt of Dublin-college, and afterwards lord-primate, the whole doctrine of Calviniſm was received as the public belief of the Iriſh church, and ratified by the lord Chicheſter in the King's name. James having earneſtly engaged in the controverſy with Vorſtius, could not immediately reject thoſe opinions which he had countenanced, and in a manner ſupported, in Holland. Laud was now determined to introduce in Ireland the belief and diſcipline he had eſtabliſhed in England. The revenue of that country was not ſufficient to ſupply the expence of the government, and to maintain the addition of troops which had been eſtabliſhed on Charles's acceſſion *.

STANDING armies are always agreeable to the views of arbitrary princes. The inſolence of the Iriſh Papiſts, who had been hitherto favoured by the miniſtry, furniſhed a pretence for the augmenting the military force in that kingdom. To effect this, and thereby to model the frame of the government on the true prerogative footing, to raiſe the revenue to a height that ſhould not only render that crown leſs burdenſome to the monarch, but furniſh an overplus to ſupport the magnificence of

* He had increaſed his army in Ireland from 1500 men to 5000 foot and 500 horſe, and had quartered them in ſeveral troops and companies upon the counties and towns of the kingdom, to maintain them in their turns for three months at a time, with money, cloaths, and victuals. *Carte's Life of the Duke of Ormond*, p. 50.

his ſtate in England, became the prime object of Charles's council. To execute theſe great deſigns, none was thought ſo proper as the viſcount Wentworth: his inſolent behaviour whilſt he preſided in the council of the North, was miſconſtrued by the King into a maintaining his dignity; the inflexibility he had ſhewn in the illegal courſes which had been preſcribed to him, was regarded as a fulfilling the duties of a miniſter, and an honeſt attachment to the rights of the crown. In the year 1631 he was appointed deputy of Ireland. His powers, at his own requeſt, were enlarged beyond thoſe of any of his predeceſſors; with liberty to raiſe as numerous an army as he pleaſed *. Ann. 1634.

THUS inveſted with a plenitude of authority, he undertook to perform wonders in Ireland, and to more than ſatisfy all the expectations of the Engliſh miniſtry. The folly and inſolence of his carriage, on his entrance into his office, was of a piece with his behaviour in England. He treated all the men of rank and fortune in the country with a ſupercilious ſtate, and the council as if they had been his ſervants †. The revenue of Ireland Carte's Life of Ormond, vol. I. p. 58, & ſeq.

* The following were two of the propoſitions made by Wentworth on his acceptance of this office; they were agreed to by the King: *viz.* That no particular complaint of injuſtice or oppreſſion be admitted againſt any, unleſs it appear the party made his firſt addreſs to the deputy.

That the places in the deputy's gift, as well of the civil as the martial, be left freely to his diſpoſe; and that his majeſty will be graciouſly pleaſed not to paſs them to any, upon ſuit made to him here. *Strafford's Letters*, vol. I. p. 66.

† The firſt council he ſummoned was only a particular number that

Ann. 1634. was, on the commencement of Wentworth's government, under vaſt anticipations, and moreover loaded with a

were the moſt diſtinguiſhed by the dignity of their offices: theſe he offended by making them wait two hours before he came to them.

As trifling anecdotes aré often of ſervice to inveſtigate the true characters of men, I ſhall notice the following ceremony Wentworth uſed on his return from his inauguration: Paſſing through the prince's chamber, he ſtopped at the chair of ſtate, and there he made a low and ſolemn reverence. He was ſo fondly attached to, and deſirous of being treated with, all the foppiſh formalities of ſtate, that he wrote to the King and council of England for leave to extend the ceremonies. "The meetings and proceedings of this council, writes he, albeit much for the better ſince I came, yet are they not with the civility and dignity which ſhould become the honour of his majeſty's ſervice, and the place: therefore I deſire that the orders ſet down for the privy-council of England might be ſent unto us, with this addition, that no man ſpeak covered, ſave the deputy, and that their ſpeech may not be directed one to another, but only to the deputy.

"I am commanded by my inſtructions, to call upon the nobility and others to attend the deputy upon all ſolemn proceſſions to church, and ſuch-like. This is not ſo well obſerved as it ought; and they grow generally more negligent than is fit they were: not truly, I truſt, in any diſtaſte to me—for to my perſon they give as much reſpect as I deſire from them; but I know not how, in point of greatneſs—ſome of them thinking it too much, perchance, to be tied to any thing of duty—rather deſirous it might be taken as a courteſy. It would do therefore very well his majeſty were graciouſly pleaſed by letter to ſignify what the attendance is he requires at their hands; *viz.* that the noblemen, biſhops in their rochets, and counſellors, attend the deputy upon their foot-cloths, or otherwiſe on horſeback, the judges and his learned counſel likewiſe upon theirs, upon ſuch ſolemn days as formerly have been accuſtomed; and the captains and gentry which are not counſellors, to go on along with the reſt of the company before the deputy: which I will cauſe to be entered in the council-book, and obeyed accordingly.

"The rooms of this houſe are almoſt become common, every ordinary gentleman thinking it a diſparagement to ſtay any where but in the drawing-chamber; which indeed is occaſioned in part by ſuffering the

debt of 106,000 l. In theſe circumſtances it was ne- Ann. 1634.
ceſſary to raiſe an immediate ſupply. Wentworth, by the promiſe of a parliament, procured the continuation of the voluntary contribution *. The inhabitants of the county of Cavan, and Bedell the biſhop of Kilmore at their head, remonſtrated againſt the continuance of this impoſition, and the exceſſes committed by the ſoldiers. This Wentworth conſidered as an inſolent attack on his authority, and expreſſed great indignation againſt the biſhop; but felt the neceſſity of remedying the diſorders

the preſence to be ſo familiar, that for the moſt part it is filled with the ſervants, whilſt the maſters are within. Leſt, therefore, the King's greatneſs, albeit but in the type, become leſs reverenced than truly it ought to be, I pray to receive the like commands, that upon days of meeting none but noblemen come farther than the drawing-chamber; the gallery only free for thoſe that be of the council; and that all their ſervants ſtay in the great chamber, where they and all others are to be bare, as well as in the preſence, there being there a ſtate as well as in the other." *Carte's Life of the D. of Ormond*, fol. ed. vol. I. p. 56, *& ſeq.* *Strafford's Letters*, vol. I. p. 200, *& ſeq.*

* The lord Balfour and others having refuſed a former contribution, they were proceeded againſt as delinquents. On this buſineſs, Wentworth, who had not yet taken poſſeſſion of his government, writes thus to ſecretary Cook: "When I come on the other ſide, believe me I will teach both them and others better grounds of duty and obedience to his majeſty than they have ſhewn in this wanton and ſaucy boldneſs of theirs: and ſo much the more careful muſt we be to correct this peccant humour in the firſt beginning, in regard this is a great revenue, which his majeſty's affairs cannot ſubſiſt without; ſo that we muſt either continue that to the crown, or get ſomething from that people of as much value another way: wherein I conceive it moſt neceſſary to proceed moſt ſeverely in the puniſhment of this offence, which will ſtill all men elſe for a many years after; and therefore, if the King or yourſelf conceive otherwiſe, help me in time, or elſe I ſhall be ſure to lay it on them ſoundly." *Strafford's Letters*, vol. I. p. 88.

that

Ann. 1634. that were ſpecified in the complaint. He was ſo induſtrious in reſtoring diſcipline, that the ignorant Iriſh, who had only conſidered the army as a grievance on account of the violences committed by the ſoldiers, now chearfully ſubmitted to that formidable inſtrument of tyranny, a ſtanding military force.

THE voluntary contributions were to be continued but for two years; it had already exiſted ten, and the people were under great uneaſineſs leſt this ſhould be eſtabliſhed by cuſtom into a perpetual tax *. A large ſum of money was neceſſary to accompliſh the deſign of rendering the crown independent, and conſequently abſolute. This was propoſed by Wentworth to be done by a parliament. Property was at this time very precarious in Ireland: many proprietors of land could derive no title from the crown; the letters-patent of others were inſufficient in law, defective, doubtful, or not plain enough to prevent diſpute. The ſubject longed to be made eaſy by an act of parliament which ſhould bind the crown, and give them an abſolute ſecurity in their eſtates. This was agreeable to the deſigns of the deputy, who could advance his maſter's revenue by the compoſitions, and

* Subjects ought to be very careful how they give way to bad precedents: The moſt noxious privileges of princes are often eſtabliſhed on no better foundation. Charles and his miniſter Wentworth looked on this contribution, though a voluntary one, as the King's right. The deputy aſſures him, that though he were ſucceſsful to procure from the parliament a compenſation in lieu of the contribution, he ſhould take care not to conclude his majeſty's prerogative to theſe kind of levies for the future. *Strafford's Letters*, vol. I. p. 245.

obtain

obtain from the parliament a conſiderable grant in re- Ann. 1634.
turn for ſcreening them from farther moleſtation in the poſſeſſions of their eſtates: Beſides, the two factions of Papiſts and Proteſtants, more intent on thwarting each other than in maintaining their mutual rights, were an eaſy prey to the views of a miniſter. A parliament was reſolved on. Wentworth's next care was to name proper ſheriffs, and other officers, who ſhould manage the elections in a manner that the two parties of Roman-Catholics and Proteſtants being equally balanced, the ſervants of the crown ſhould throw the ſcale upon the ſide of royalty *. As he was deſirous that the large ſum of money he hoped to obtain from the Commons ſhould not be clogged with conceſſions from his maſter, he de-

* "I ſhall endeavour, writes Wentworth, the lower houſe may be ſo compoſed as that neither the Recuſants, nor yet the Proteſtants, ſhall appear conſiderably more one than the other, holding them as much as may be upon an equal balance; for they will prove thus eaſier to govern than if any party were abſolute. Then would I, in private diſcourſe, ſhew the Recuſants that the contribution ended in December next; if your majeſty's army were not ſupplied ſome other way before, the twelve-pence a-Sunday muſt of neceſſity be exacted upon them: and ſhew the Proteſtants, that your majeſty muſt not let go the twenty thouſand pounds contribution, nor yet diſcontent the other in matters of religion till the army were ſome way elſe certainly provided for; and convince them both, that the preſent quarterly payments are not ſo burdenſome as they pretend them to be, and that by the graces they have had already more benefit than their money came to. I will labour to make as many captains and officers burgeſſes as poſſibly I can; who having immediate dependance upon the crown, may almoſt ſway the buſineſs betwixt the two parties which way they pleaſe. In the higher houſe your majeſty will have, I truſt, the biſhops wholly for you; the titular lords, rather than come over themſelves, will put their proxies into ſuch ſafe hands as may be thought of on this ſide." *Strafford's Letters*, vol. I. p. 186, *& ſeq.*

termined

Ann. 1634. termined to make two ſeſſions of this parliament: One to ſecure the ſupply, and the other to paſs thoſe bills he deemed proper for the crown to aſſent to*. A parliament in Ireland was an excellent object for miniſterial craft to work on. The natives had been ſo long deprived of this privilege, and ſo negligent of their records, that they were obliged to ſend into England for precedents concerning the cuſtoms of parliament †.

Ruſhworth, vol. II. p. 209, & ſeq.

* "There being ſome of your majeſty's graces, writes Wentworth, which being paſſed into laws might be of great prejudice to the crown: and yet it being to be feared they will preſs for them all, and it is uncertain what humour the denying any of them might move in their minds, I conceive, under favour, it would be much better to make two ſeſſions of it, one in ſummer, the other in winter; and in the latter to enact ſo many of thoſe graces as in honour and wiſdom ſhould be judged equal; when the putting aſide of the reſt might be of no ill conſequence to other your royal purpoſes. If the parliament ſhould meanly caſt from them the mighty obligations the nation owes to your majeſty, your majeſty's affairs can never ſuffer leſs by their ſtarting aſide, when the general peace abroad admits more united counſel in your majeſty, and leſs diſtracted thoughts in your miniſters, to chaſtiſe ſuch a forgetfulneſs, to call to their remembrance, and to enforce from them other and better duties than theſe."

† Wentworth gives the following account of the manner in which he abridged the privileges of the ſubject: "Previous to the meeting of parliament, the lord-chancellor had moved, that the lords of the pale, according to the cuſtom of former parliaments, might be conferred withal concerning the matters therein to be propounded: I preſently ſilenced it by a direct and round anſwer, that ſhould we do ſo, I feared his majeſty might judge we had exceeded our directions, opening his council to any but ourſelves, without his ſpecial warrant. Within ſome four days after, the earl of Fingal told me, the report went there would be a parliament, and that their lordſhips of the pale had been accuſtomed to be conſulted with before thoſe meetings, to aſſemble and take advice together what to propound for the good of the people. My anſwer was quick: I told him, that the calling of parliaments was the peculiar of kings, and ſo locked up in the ſacred breaſt of his majeſty, that

On the firſt meeting of the parliament, the deputy, Ann. 1634. in a very magiſterial manner, acquainted both houſes

as it were want of good manners in me his ſervant to pry into, or impart his councils, ſooner than ſhould in his own good time be revealed unto me; that I muſt tell him, I conceived his majeſty might judge it with ſome more reaſon a high preſumption in him, or any other private man, to elect themſelves inquiſitors over his gracious purpoſes towards his ſubjects, which were ſet with ſo much love and juſtice, in ſo much height and perfection, as could not by them all put together be ſo well diſpoſed and guided as they were already by thoſe clearer lights of his own wiſdom and goodneſs; that aſſuredly his majeſty would reject with ſcorn and diſdain all ſuch foreign inſtructions between him and his people; neither muſt his lordſhip or any other expect his majeſty would conſult, in the calling of his people, any, or in other manner than he ſhould judge fit and convenient; that therefore himſelf and the reſt were to wait the times and the ſeaſons, and not think of applying any thing in the calling of parliaments to themſelves, as not belonging to them, nor indeed the appointing of any other meetings, or other conferences, to be had by any ſubjects in thoſe public affairs, but in their open aſſemblies of parliament, which his majeſty would graciouſly vouchſafe to hear, containing their diſcourſe within the bounds of ſobriety and moderation; and to give them ſuch anſwers as were fit for the reſt: His own councils were ſufficient to govern his own affairs and people, without borrowing from any private man whatſoever; whoſe duty it was not *altum ſapere*, as to look upon theſe deep myſteries of ſtate before thereunto called by his majeſty."

Wentworth had in this buſineſs of an Iriſh parliament recommended an inviolable ſecrecy to the council of England, that he might have an eaſier prey of this unguarded people, and aſcertain his future favour from eſtabliſhing government on the King's own principles in Ireland: But he did not find the council ſo abjectly devoted as to be very forward to deſtroy their own liberties to the advancement of his private deſigns. He writes, he was fain to work off ſome little difficulties; that underſtanding, by the maſter of the rolls and Sir George Radcliffe, that the council grounded their opinion much upon pleaſing the people; that they moved to have the bill of monopolies pro-

Ann. 1634. what was expected from them *: That 100,000l. debt was to be discharged, and a yearly revenue of 20,000l.

pounded; divers other bills of grace; and insisted much upon having the general pardon go over with the subsidies, as good inducements to content the houses; that they were not inclinable to send the bill of subsidies with blanks, but to grant two in certain; that upon estimate made of an entire subsidy to be thirty thousand pounds, they grew to forecast, that in case these subsidies were answered by one in a year, whereas now the contribution was but twenty thousand pounds, there would be ten thousand pounds above the ordinary charge; and so, consequently, for fear all surplusage should be sweeped away upon suit in England, the coin transported, to the impoverishing the kingdom, that it was necessary to proportion the supply so even as there might not be any to spare, which might be effected by enacting the payments to be but one third part half yearly.

"I, added Wentworth, not knowing what this might grow to, went instantly unto them, when they were in council; told them plainly, I feared they began at the wrong end, thus consulting what might please the people in a parliament, when it would better become a privy-counsellor to consider what might please the King, and induce him to call one; that albeit I had not in particular as yet to resolve them what it was his majesty would propound, yet I knew, as all other great and wise princes, his majesty expected to be trusted—nor did ever any deserve it better from his people; that he would not in any case admit of conditions, or be proceeded withal by way of bargain or contract; that he would be provided for as the head, and care for his people as members, through all the expressions of a gracious and good king, but still according to the order of reason, nature, and conscience—himself first, his people afterwards; that as for the bill of monopolies, it was not to be granted at all—the other bills of grace not seasonable now.

* As some of Wentworth's popular speeches have been quoted in this History, the reader perhaps will not be displeased to be acquainted with his eloquence in the ministerial strain. He began his oration to the parliament in the true prerogative style, after the manner of the Stewart family. "Albeit, said he, the reasons leading and resolutions set in assembling of parliaments be the hidden secrets, the privileged peculiars

settled for the payment of the army. With this he in- Ann. 1634.
timated the King's resolution to make two sessions; the

liars of kings, for which they are in no kind accountable, nor ought any subject, uncalled, to intermeddle; yet is his majesty graciously pleased that I thus set forth the grounds of this present meeting faithfully and evidently before you; and if temples constituted by Jupiter and the Pagans to their Apollo, and those other gods of the greater volume, were (as the architect rules it) to be left *sub dio*, without any other than Heaven for a covering, *quoniam horum Deorum, & species & effectus in aperto mundo atque lucente præsentes videmus*; then sure, with far better reason than those their fictitious gods, are the princely and just intendments of my gracious and great master to be by us all this day celebrated under the sun, considering that if we, who have the happiness to gather the blessed fruits of his government, could prove so ingrate as not to acknowledge them, yet shall their own weight and piety convey them along, proclaim him aloud to future ages famous even among the best of kings." After this bombast flourish, Wentworth stated the debts of the crown, and conditions of the revenue; he urged the great merits of the King in his government, and the obligations that lay upon the parliament for granting a supply. "There must be a standing revenue, continued he, (mark it well) provided by you to supply and settle the constant payments of the army: For it is far below my great master to come at every year's end, with his hat in his hand, to intreat that you would be pleased preserve yourselves.—Next let me advise you, suffer no poor suspicions or jealousies to vitiate your judgments; much rather become you wise by others harms. You cannot be ignorant of the misfortunes these meetings have seen of late years in England; strike not therefore upon the same rock of distrust which hath so often shivered them: For whatever other accident this mischief may be assigned unto, there was nothing else that brought it upon us but the King's just standing to have the honour of our trust, and our ill-grounded obstinate fears that would not be secured. This was that spirit of the air that walked in darkness, abusing both; whereon if once one beam of light and truth had happily reflected, it had passed over as clouds without rain, and left the King far better contented with his people, and them much more happy (albeit as they are) thanks be to God and his majesty, they are the happiest

Ann. 1634. firſt for his own buſineſs, and the ſecond for the public; but withal gave ſtrong aſſurances of his majeſty's intention to comply with their deſires, provided they tacked no conditions to their ſupply.

THE majority of this parliament ſeem to have been deficient in abilities, rather than in inclination, to preſerve their power and independency. The Commons were on the point of rejecting the recorder of Dublin for their ſpeaker, who had been recommended by the deputy, but did not inſiſt on this point. Such was their ignorance of the privileges of parliaments, that they ſubmitted to the documents of Wentworth, who in very arrogant language told them, it was their duty to ſubmit to the King's choice; and quoted the example of the Engliſh parliaments for a conſtant

pieſt in the world.—Finally, I wiſh you had a right judgment in all things; yet let me not prove a Caſſandra among you, to ſpeak truth and not be believed: However, ſpeak truth I will, were I to become your enemy for it. Remember therefore that I tell you, you may eaſily make or marr this parliament. If you proceed with reſpect, without laying cloggs and conditions upon the King, as wiſe and good ſubjects ought to do, you ſhall infallibly ſet up this parliament eminent to poſterity, as the very baſis and foundation of the greateſt happineſs and proſperity that ever befel this nation. But if you meet a great king with narrow and circumſcribed hearts, if you will needs be wiſe and cautious above the moon, remember again that I tell you, you ſhall never be able to caſt your miſts before the eyes of a diſcerning king; you ſhall be found out; your ſons ſhall wiſh they had been the children of more believing parents; and in a time when you look not for it, when it will be too late for you to help, the ſad repentance of an unadviſed breach ſhall be yours, laſting honour ſhall be my maſter's." *Strafford's Letters*, vol. I. p. 286, *& ſeq.*

ſtant acquieſcence in this point. The diviſion on the Ann. 1634.
firſt queſtion convinced him, that he had ſucceeded in his plan of balancing equally the two parties of Roman Catholics and Proteſtants; the Recuſants ranging themſelves on one ſide, and the Proteſtants on the other. The queſtion was moved by the Recuſants: It was for purging the houſe; and was carried againſt them by eight voices only. On this diſcovery, Wentworth writes, that he grew confident of ſucceſs, and moved for the ſupply the next day, having previouſly prepared the council, and directed them in what manner to behave; withal charging them to ſpeak earneſtly for ſix ſubſidies, and to prepare their friends to uſe all their power and credit to gain the point. Each man's behaviour, he ſaid, in this buſineſs he ſhould tranſmit to the King. On this unexpected propoſal, the Recuſant party moved a ſtay till the houſe ſhould be purged of thoſe members who had, by fraud and connivance, gained an undue election; but the Proteſtant party determined to thwart their enemies, cloſed in with the propoſal, and the ſupply was carried by twenty-eight voices. This important point gained, the deputy and his dependants found means to ſpin out the ſeſſion without concluding any thing, or paſſing other laws than the acts of ſubſidies, and one more, which was alſo to bring money to the crown, the confirming compoſitions which ſhould be made upon defective titles.

THE Lords, according to the gentle nature of nobility, were not behind-hand with the Commons in teſtifying their obedience to the crown, and obſervance of the deputy; nor did the deputy ſhew leſs inſolence of

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Ann. 1634. office, or treat them with leſs arrogance, than he had uſed to the Commons. They had paſſed laws, and given orders to the attorney-general to draw them up in form to be tranſmitted for the King's approbation. Wentworth fired at this encroachment on his authority, but ſuppreſſed his reſentment till the bill of ſubſidies had paſſed both houſes: He then, in a tone of high ſuperiority, gave the Lords to underſtand, that they had proceeded beyond the limits of their power; he intimated, that he imputed it to their ignorance, and not to any indirect purpoſe; he ſhould content himſelf with entering his proteſtation againſt it in the King's behalf, which he required might be recorded in the houſe; and deſired them for the future not to exceed the power that was left them by Poyning's Act *---a liberty only to offer by petition to the deputy and council ſuch conſiderations as they ſhould think good for the commonwealth, by them

* Noy the attorney-general had given his advice, that the parliament ſhould have power to paſs acts, and tranſmit them to England. Wentworth oppoſed this popular meaſure, and repreſented to the King, that it would be a great injury to his prerogative, gotten by the wiſdom of former ages: For now ſhould they grow importunate in their propoſals, the deputy might ſilence them by giving them to underſtand, that they incurred danger by diſcourſing on matters to which they were not authorized by his majeſty's warrant. Carte, though a man of moſt arbitrary principles, reaſons thus of this ſtatute, called Poyning's Act: "The Iriſh may think themſelves downright ſlaves by this act, which reſtrains them from making any law, or taking any meaſures, to redreſs their grievances; ſubjects them to the will of perſons who have different intereſts from theirs; diſables them from making application to the King, but by the intervention and mediation of his miniſters, generally ſent from another kingdom, too jealous of the proſperity and commerce of Ireland." *Strafford's Letters*, vol. I. p. 269. *Carte's Life of Ormond*, vol. I. p. 80.

to be tranſmitted or ſtaid. The Lords, far from ſhewing themſelves angry at the manner or the matter of the deputy's oppoſition, acquieſced with his dictates, and declared it had not been their intention to offend. Both houſes had preſſed much for the graces, eſpecially the law of England for threeſcore years poſſeſſion to conclude the rights of the crown: In the lower houſe, ſome had ventured to urge the King's promiſe; the Commons had named a committee to attend the chancellor, and other law-officers appointed by Wentworth, to make ready thoſe laws, which were to be tranſmitted at the next meeting. This credulous aſſembly imagined they were on the point of reaping the fruit of their generoſity and unlimited complaiſance to the crown, and inceſſantly importuned the deputy and council for the performance of what had been largely promiſed in the King's name. The deputy called the council together, and finding them complaiſant enough to ſhare with him the odium of being guilty of a baſe deceit, plainly told the committee, that they ſhould not give way to the tranſmitting of the law of threeſcore years, nor any other of the graces that were prejudicial to the power of the crown *. Ann. 1634.

* Wentworth, in his account of the tranſactions of this parliament, writes, that there fell a breach between the two houſes. which kept them aſunder all the ſeſſion: The Commons would not confer with the Lords, unleſs they might be covered as well as their lordſhips, which the other would by no means admit. "For my part, adds he, I did not lay it very near my heart to agree them, as having heretofore ſeen the effects which follow when they are in ſtrict underſtanding, or at difference among themſelves. Beſides, I ſaw plainly, that keeping them at diſtance I did avoid their joining in a petition for the graces, which infallibly they would have done, which now comes only ſingly from

Ann. 1634. I HAVE thought it neceſſary to be full in my quotation of the account Wentworth gives of the management of this parliament. ſince it expoſes to the public the infamous artifices of ſtateſmen, and ſhews that parliaments are noxious things when they become the dupes of miniſters; that aſſemblies inveſted with ſuch authority ought carefully to weigh and examine the ſpecious pretences of thoſe tools of power, leſt, deluded by the baſe arts of king-craft, they become the ſuicides of their

from the Commons. I conceive it will be very eaſy, the next ſeſſions, either to agree or keep them ſtill aſunder: I deſire there may be a thought beſtowed upon it at ſome leiſure, and let me have my directions."

In the ſecond ſeſſion of this parliament, the Lords having proceeded ſome ſteps to bring one Sir Vincent Gookin, an offender, to juſtice, Wentworth told them, that they might not aſſume a judicature of any thing which had not been firſt tranſmitted as good and expedient by the deputy and council; for ſo Poyning's Act preſcribed, not only in all acts, but in every ordinance of parliament.

"Thus far I went, added he, to prevent their gaining of judicature, wherein I did believe his majeſty was not ſo fully reſolved in the convenience and fitneſs thereof by any effect it hath produced, ſince it was reſtored to the houſe of parliament in England. Yet I do ſee that unleſs ſome ſtrict courſe be held againſt him to bring him to judgment, they will be much diſcontented; that the offence will bear a deep fine to his majeſty; and that Sir Vincent Gookin, a very rich man, will be able to undergo it. Therefore, to ſtill them from farther prying into the powers and uſage of parliaments, I do humbly adviſe that there may be diligence uſed on that ſide to ſend down a ſerjeant at arms to apprehend him; and that he may under ſafe cuſtody be brought back to us here, where the attorney will have an information ready to put in againſt him in the Caſtle-chamber. So may he in a ſhort time come to ſentence; and yet by this means the queſtion in a parliamentary-way be altogether ſilenced, with ſatisfaction to them, and with honour and benefit to his majeſty." *Strafford's Letters*, vol. I. p. 279, 319.

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own liberties, and the fatal inſtrument of deſtroying thoſe rights they were conſtituted to defend. Ann. 1634.

THE deputy thus obtained from the parliament a ſum beyond his fondeſt expectations, and that without any conditions ſtipulated for the juſt privileges and honours of that aſſembly, or laws paſſed for the eaſe and welfare of the people. The graces, on which they had already forgiven a debt of 150,000 l. and contributed 160,000 l.; the graces, on the hopes of which being reſolved into confirmed laws they had moreover parted with ſix ſubſidies; were almoſt all entirely laid aſide *, and the King rendered abſolute by the uncertain ſtate of their conſtitution, and the independance he had attained by their indiſcreet bounty. Of all the graces, that which excluded the King's title after threeſcore years poſſeſſion, according to an act which had paſſed in the Engliſh parliament in the twenty-firſt of James's reign, was the moſt eagerly deſired by the Iriſh, and particularly mentioned in the addreſs of the Commons to the deputy as the King's expreſs promiſe. This was rejected by Wentworth, as a peculiar diſadvantage to his farther deſigns on that country. Nothing paſſed in the ſecond ſeſſion, but ſome laws to regulate the police, ſome relative to the undertakers in the ſeve- Strafford's Letters, vol. I. p. 311.

* Among this number was that which excluded the accuſations and teſtimonies of perſons notoriouſly infamous, and convicted of capital offences, for convincing evidence to condemn any ſubject. We have already ſeen how this power was exerted to the deſtruction of the family of the Byrnes; the denying, therefore, the paſſing the deſired grace into a confirmed law, ſhews as corrupt and inordinate an affection for unbounded power, as can be inſtanced in hiſtory.

Ann. 1634. ral plantations, the denization of the Scots, ſome favourable to the church *, and two ſtatutes of uſes and wills, which encreaſed the King's power and profit in one of the moſt exceptionable branches of his prerogative, of wardſhip †. The infamous treatment this parliament met with, after they had yielded the full grant of what was demanded of them from the crown, and this on the faith of miniſterial aſſurances, illuſtrate the propriety and utility of that cautious diffidence, which, during the firſt period of this reign, marked the counſels of the Engliſh ſenate; a conduct which has been attacked in a moſt wanton and unjuſtifiable manner by many writers of thoſe times.

THE manner that ſubſidies had been raiſed in Ireland was after the ancient cuſtom of theſe taxes in England: a certain ſum impoſed upon the ploughed lands. This Wentworth, by an exertion of power, aboliſhed; and appointed commiſſioners to levy the ſubſidies out of lands and goods. The frighted Commons, not knowing to what ſum their grant, by this manner of levying, might amount, offered to raiſe each ſubſidy from thirty to forty thouſand pounds a-piece, excluſive of the nobi-

* One of theſe was to enable reſtitution of impropriations, tythes, and other eccleſiaſtical rights to the clergy, with a reſtraint of alienating the ſame, and direction of preſentation to churches. *Carte's Life of Ormond*, vol. I. p. 72.

† Wentworth writes thus of them: "Howbeit we ſet a fair ſtyle upon theſe laws, as beneficial only for the commonwealth, yet are there of them concerning fraudulent conveyances and wills, which, I dare confidently affirm, will be worth the King at leaſt four thouſand pounds a-year in his court of wards and alienations; a point my maſters of the houſe dream not of."

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lity and clergy, provided they might have liberty to raiſe Ann. 1634.
them by commiſſioners of their own *. With this large

* "This being the courſe, wrote Wentworth, which I did deſire to lead them to, I gave them encouragement to go on with the conſideration thereof, ſo as being haſtened with their own fears, they come to that at the firſt word which I ſhould have been glad might have been wrought at laſt with all our labours. I told them I would adventure to accept of their offer for the firſt four ſubſidies, but for the laſt two, in regard there was to be but one of them paid in one year, I would expect they ſhould make them up forty-five thouſand pounds a-piece, provided they ſhould make it up neat money for the whole ſix ſubſidies: all which the next day the houſe, with all imaginable alacrity, aſſented to, leaving them the whilſt the beſt contented that is poſſible, and ourſelves free from their ſcandal and out-cry. We have likewiſe proceeded to the taxing the nobility, which comes to ſix thouſand pounds ſterling; the clergy will, I truſt, be about three thouſand pounds, ſo as by this time you ſee theſe ſix ſubſidies will be three hundred thouſand pounds ſterling good in his majeſty's Exchequer; and the ſubſidy, which was never yet aſcertained in this kingdom, will now ſettle at fifty-four thouſand pounds ſterling; and I did purpoſely draw them up for the two laſt ſubſidies to five thouſand pounds more a-piece than the reſt, that I might ſo leave them precedents to the crown for future times."

The houſe being divided into two factions of Proteſtants and Papiſts, was the apparent cauſe that enabled Wentworth to carry every point for the crown in ſo triumphant a manner. He was ſo confident to render this parliament ſubſervient to all the deſigns of the crown, that he adviſed the keeping it on foot by a prorogation, to give a ſanction to other important projects. "It can do no hurt, ſaid he, conſidering it can exerciſe no power during the prorogation, and may at any time before the meeting be blown over with the leaſt breath from his majeſty." To this the council of England anſwered, that the King held his reſolution not to have it prorogued, but diſſolved at Eaſter; it being a known experiment that parliaments never grow better by ſitting long. "As for that Hydra, wrote Charles in a previous letter to Wentworth, take you good heed,

Ann. 1634. Strafford's Letters, vol. I. p. 93, vol. II. p. 8, & ſeq.

grant, the greateſt that ever was known to be raiſed in Ireland, Wentworth emancipated the crown from a debt of more than one hundred thouſand pounds *; bought off all the incumbrances on the revenue, which, by the commiſſion on defective titles, licenſing ale-houſes, the ſale of tobacco, the tranſportation of pipe-ſtaves, the making the crown ſole merchant of the commodities of ſalt †, and the increaſe of the money ariſing from the court of wards, made an improvement of forty thou-

for you know that here I have found it as well cunning as malicious. It is true that your grounds are well laid, and I aſſure you that I have a great truſt in your care and judgment; yet my opinion is, that it will not be the worſe for my ſervice, though their obſtinacy make you to break them, for I fear they have ſome grounds to demand more than it is fit for me to give." *Strafford's Letters*, vol. I. p. 233.

* This debt was paid with ſcandalous defalcations, and the Commons were again rendered the dupes to take off the odium from the crown. "The Commons-houſe, wrote Wentworth, hath in their ſub-committee proceeded to conſider all the debts of the crown, together with the ſeveral natures and conditions thereof; and by means of ſuch intelligence as I held amongſt them, concluded ſuch an advice in each particular as better could not be deſired, ſo as I truſt we ſhall diſcharge theſe debts better cheap than you could have looked for on that ſide, and yet not only draw his majeſty, but ourſelves too, forth of their blame or hard conceit, by ſhewing them the opinion and pleaſure of the houſe, leading and concluding the courſe which is to be held in the diſcharge thereof. So here's an end of this matter, and a very excellent uſe made of them to the advantage of the crown." *Strafford's Letters*, vol. I. p. 402.

† "Salt, writes Wentworth, is of ſo abſolute neceſſity, as it cannot ſtay upon his majeſty's hand, but muſt be had whether they will or no, and may at all times be raiſed in price, ſo far forth as his majeſty ſhall judge to ſtand with reaſon and honour; witneſs the gabell of ſalt in France." *Strafford's Letters*, vol. I. p. 193.

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ſand pounds in the yearly income *. This buſineſs completed, the next ſtep taken was to reſume the iniquitous attempt on the lands in Connaught, Clare, and the other provinces. This was directly contrary to the promiſe preſcribed by the graces, for enrolling former ſurrenders, and paſſing new patents of eſtates, on the faith of which the crown had already raiſed ſo large a ſum of money. The ſame project had been entertained by the miniſtry in the reign of James; it was then laid aſide as dangerous: but the crown had now a conſiderable army on foot, the Exchequer was full, and the deputy a man determined to run all lengths in rendering Ireland a fruitful ſource of riches to his maſter. The King's title was aſſerted from the conqueſt of Henry II. and the juries of Roſcommon, Slego, and Mayo, on aſſurances that were given them that they ſhould have eaſy compoſitions, found the right of the crown to thoſe particular counties, as well as to the province in general. The county of Galloway, ſupported by the earl of Clanrickard, a man of great property and power in thoſe parts, reſented the indignant uſage, and proved refractory. The furious deputy took fire at the affront, and cauſed the jury to be proſecuted for a combination with the ſheriff to defeat the King of his right: They were tried in the Caſtle-chamber, and fined four thouſand pounds a-piece, ſentenced to impriſonment till the fine was paid, and to make an acknowledgment on their knees of their offence †.

Ann. 1634.

Carte, vol. I. p. 82.

* According to Wentworth, the crown had got more by the laws that were enacted this parliament than the ſubſidies could be valued at. *Strafford's Letters*, vol. II. p. 18.

† The county of Galloway ſending agents into England to ſolicit their

Ann. 1634. THE terrors of this ſeverity made thoſe of Clare and Ormond * acknowledge the King's claim, and depend on his mercy for the renewal of their patents, which increaſed the revenue twenty thouſand pounds a-year. Moreover, the city of London was ſued for non-performance of articles in the plantation of Londonderry and Colerain, fined in the Star-chamber ſeventy thouſand pounds, and the lands adjudged to be forfeited; this was again an addition of eight thouſand pounds a-year. The crown rendered thus wealthy by the treachery and tyranny of the deputy, his next ſtep was to exert that vigor the government had acquired, in over-turning the conſtitution of the church, eſtabliſhing the mode of his faith, and exalting hierarchical power to the ſame pitch it had attained in England. By the ſole authority of the deputy, the High-commiſſion court was erected immediately after the diſſolution of the parliament. The zeal he had expreſſed for the church was the loadſtone with which he had drawn the attention and confidence of his maſter: his ſucceſs in it was the cement with which he hoped to fix his affection. From the firſt of his apoſtacy, he had knit himſelf in a cloſe confederacy with Laud, as the man from whoſe abſolute ſway over the King he had moſt to dread, and from whoſe unbounded intereſt he had every thing to hope. Thus whilſt he flattered Charles with the proſpect of an uncontrouled, unlimited authority, he canted with Laud in his own ſtyle; That ſacrilegious hands had carried away the patrimony of the church,

Strafford's Letters, vol. I. p. 151, 381.

their affairs, they were, on their return to Ireland, impriſoned by the deputy for leaving the country without permiſſion.

* The lord Ormond was very officious and inſtrumental to the deputy's ſucceſs in this buſineſs.

church, and left God's portion naked to poſterity; that it could not be recovered unleſs as violent and extraordinary means were uſed for the raiſing it again as there had been for the pulling it down. This was the kind of language he continually uſed in his correſpondence w th this prelate; at the ſame time conveying through him intelligence to the King, and thoſe kind of inſinuations which moulded him to all the purpoſes of his private views. Wentworth, not only in paſſing the new patents, took particular care of the church, but in the moſt oppreſſive manner obliged proprietors, by arbitrary deciſions in the Caſtle-chamber, to relinquiſh the advantages they had gained by former leaſes, after the affair had been otherwiſe determined by a trial at common law; and this by the ſingle virtue of a letter of direction from the King to proceed in all queſtions concerning the patrimony of the church, and that ſuch cauſes ſhould be determined by commiſſioners appointed by the deputy, and not elſewhere *. Ann. 1634.

Strafford's Letters, vol I. p. 380, 251, & ſeq.

* The earl of Cork, a very opulent and powerful nobleman, was proceeded againſt in this manner in the Caſtle-chamber: he was not only compelled to relinquiſh upwards of two thouſand a-year to the church, but underwent a ſevere fine, and was commanded to pull down a very fine monument which he had built at a great expence in the cathedral of St. Patrick at Dublin, becauſe Laud took offence that it was too near, and elevated above, the high altar.

On this ſubject of determining cauſes Wentworth writes in the following manner: "I find that my lord Faulkland was reſtrained by proclamation not to meddle in any cauſes betwixt party and party, which certainly did leſſen his power extremely. I know very well the common lawyers will be paſſionately againſt it, who are wont to put ſuch a prejudice upon all other profeſſions as if none were to be truſted or capable to adminiſter juſtice but themſelves: yet how well this ſuits with monarchy, when they monopolize all to be governed by their year-

Ann. 1634. THE opulency of the clergy being thus provided for, the next point was to bring the church of Ireland to a perfect conformity in her doctrine and diſcipline to that which was eſtabliſhed in England. A convocation being called to manage this buſineſs, ſeveral members made material objections to the body of canons they were required to ſubſcribe. The lower houſe appointed a ſelect committee to conſider the matter. Wentworth underſtanding that the judgment of this eccleſiaſtical aſſembly was not likely to be favourable to the deſign in hand, ſent for the committee, and after reprimanding them in an inſolent manner for their preſumption in attempting to determine articles of faith without the privity and conſent of ſtate or biſhop, he enjoined dean Andrews, chairman of the committee, not to report any of their tranſactions to the houſe of Commons, which was then ſitting; and commanded dean Leſly, their prolocutor, that if any of them propounded ſuch a queſtion not to put it to the vote, but break up the ſitting. On this tyrannical proceeding, it was moved to petition for

Carte's Life of Ormond, vol. I. p. 77, & ſeq.

year-books, you in England have a coſtly experience: and I am ſure his majeſty's abſolute power is not weaker in this kingdom, where hitherto the deputy and council-board have had a ſtroke with them." "I know no reaſon, writes Wentworth to Laud, but you may as well rule the common lawyers in England as I, poor beagle, do here; and yet that I do and will do, in all that concerns my maſter's ſervice, upon the peril of my head. I am confident that the King, being pleaſed to ſet himſelf in this buſineſs, is able, by his wiſdom and miniſters, to carry any juſt and honourable action through all imaginary oppoſition, for real there can be none; that to ſtart aſide for ſuch panic fears, phantaſtic oppoſitions, as a Prynne or an Elliot ſhall ſet up, were the meaneſt of folly in the whole world." *Prynne's Trial of Laud. Straſford's Letters*, vol. I. p. 201, 173.

a free ſynod; but ſuch was the terror that the deputy's violence and ſeverity occaſioned, that no one member would take upon him to draw it up or preſent it. Wentworth not approving of the canons which the complying primate Uſher by his command had undertaken to frame, drew them up himſelf, more exactly after thoſe of England, obliged the primate to get it voted according to this form in the upper houſe: and by the force of his authority, and the puſillanimity of the members of the lower houſe, it was carried there, one individual only diſſenting. Notwithſtanding ſo outrageous an inſult on Law and Liberty, ſuch was the confidence of this madman, that he wrapped himſelf up in the opinion of an entire ſecurity, on the bare ſhelter of a letter from the King approving theſe exploits. Ann. 1634.

THUS aſſured, his conduct during the courſe of his government was an uninterrupted ſeries of exertions of deſpotiſm; and his whole behaviour ſavoured of the higheſt ſtrain of frantic inſolence. He reprimanded the earl of Kildare, the firſt peer of Ireland, for oppoſing his propoſitions to the parliament; and afterwards obliged him, without any legal proceeding, to ſubmit his title to an eſtate to his deciſion, and impriſoned him a whole year on this buſineſs. The lord Mountnorris, a nobleman who had long held employments under the government, an officer in the army, and now vice-treaſurer, being diſguſted with the deputy's behaviour, ſpoke ſomething ſlightingly of him at the chancellor's table *: He was for thoſe words hurried before a court-martial, with-

* The charge againſt Mountnorris was this: On being told that a kinſman of his had by accident hurt the deputy's foot, he having the gout,

Ann. 1634. out knowing his crime, tried for mutiny againſt his general, and in the ſpace of two hours condemned to die. The King gave him his life, but he was diſmiſſed from the army, obliged to make ſubmiſſion to the deputy, and acknowledge the juſtice of the ſentence; he was impriſoned for three years. Nor were theſe all the ſeverities he met with from Wentworth, who in an illegal manner put him out of the poſſeſſion of an eſtate he had enjoyed for ſeveral years.

Carte's Life of Ormond, vol. I. p. 86. Ruſhworth, vol. II. p. 26. Strafford's Letters, vol. II. p. 230, 252, 307.

Sir Piers Croſby had voluntarily ſerved, with great reputation, in the expedition to the iſle of Rhe; to him was attributed the principal means of ſaving the Engliſh forces in their retreat. He had for theſe reaſons been made colonel of one of the ſtanding regiments in Ireland, and counſellor of ſtate. This gentleman reſenting the high manner in which things were carried in parliament, exerted himſelf vigorouſly againſt the meaſures of the crown. Wentworth ſequeſtered him from the council-board; and a paper ſoon after coming out,

gout, the lord Mountnorris ſaid, Perhaps it was done in revenge of that public affront my lord deputy did him formerly; but I have a brother that would not have taken ſuch a revenge. The words ſpoken by this nobleman, according to Clarendon's relation, were as follows: Wentworth had given Mountnorris's kinſman a blow for having accidentally hurt his foot; which being ſpoken before Mountnorris at the chancellor's, he obſerved, that the gentleman had a brother who would not have taken ſuch an affront. *Nalſon*, vol. II. p. 59. *Strafford's Letters*, vol. I. p. 499, *&c ſeq.* *Clarendon's Hiſt.* vol. I. p. 174.

Of the witneſſes againſt Mountnorris was the lord Moor, who being of the court-martial, was at the ſame time evidence and judge. The King deprived Mountnorris of all his offices, and beſtowed the vice-treaſurerſhip upon Sir Adam Loftus, a creature of Wentworth's, and one who had been an evidence againſt Mountnorris.

which reflected on the conduct of the deputy, Sir Piers was by his order arreſted by the captain of his guard, and committed to priſon, whilſt Sir Philip Manwaring, the ſecretary of ſtate, broke into his ſtudy, rifled his papers in hopes of finding a copy of the libel. Sir Piers was afterward, by the King's direction, removed from the council-board *; and, on another ſuſpicion of the ſame kind, he and the lord Mountnorris, with the lord Eſmond and others, were proſecuted by the deputy in the Star-chamber in England †. The earl of Holland being neceſſitated, to his great regret, to give a teſtimony on oath on the converſation that had paſſed between him and Croſby on Wentworth's particular, a great fine and damages, according to the cuſtom of this court, was given againſt him: He would have abſconded, but the implacable deputy urged the King to iſſue out a warrant to apprehend him, and keep him in cuſtody till he had anſwered the information lodged againſt him in the Star-chamber. Ann. 1634. Ruſhworth, vol. II. p. 332.

* The earl of Ormond, who had ſeconded with great zeal every motion from the court, was made a counſellor in his room.

† The ſubject of the proſecution was, that the defendants had ſpread a report that one Eſmond died of ſome blows he received from the lord-deputy. In Laud's ſpeech in the Star-chamber on this occaſion, he ſaid, "That as kings were lively pictures of God drawn ſhort, ſo deputies were repreſentations of kings. The ſtate could not be ſafe unleſs every one of its officers were upheld in their authority; and thoſe who reported any circumſtance againſt them ought to be puniſhed, whether the report was true or falſe." Finch, the keeper, ſaid ſomething to the ſame purpoſe. This doctrine, that a libel is not leſs penal for being true, firſt broached in the Star chamber, has ſince been introduced in the King's-Bench.

The ſentences of Cottington, Finch, and Laud, were ſevere againſt all the defendants. The lord Mountnorris eſcaped, becauſe nothing could be proved againſt him. *Ruſhworth*, vol. III. p. 891, *&c ſeq.*

Ann. 1634. ADAM viſcount Loftus of Ely, a peer of Ireland, and the chancellor of the kingdom, was impriſoned by Wentworth, and obliged to deliver up the great ſeal, for not ſubmitting to an arbitrary decree of the deputy and council, on a petition of the chancellor's father-in-law, Sir John Gifford *. This act of power was even contrary to his inſtructions; for in them it was regulated, that the chancellor might appeal from the deputy and council to the King: But in all theſe undue exertions, Wentworth was ſtrongly abetted by the King, whoſe whole conduct in regard to Ireland was directed by wires managed by the deputy, and drawn through the channel of Laud.

Larrey, vol. I. p. 187.

THE Dutch were at this time making great advances in commerce, and a kind of rivalſhip ſubſiſted between them and the ſubjects of Great Britain in the article of trade; nevertheleſs, theſe republicans were ſtrongly favoured by the anti-courtiers in England, and thoſe whoſe bias was at all on the ſide of Liberty. On the contrary, the high monarchical and miniſterial faction were as much attached to Spain †. Charles ſtill fondly inclined

* This petition was in favour of the chancellor's wife, on a difference between her and her huſband, concerning the poſſeſſion of an eſtate. Wentworth was accuſed of a love-intrigue with this lady, for whom he exerted himſelf with ſuch violence. On her death, ſeveral amorous letters were found in her cabinet from him. Amongſt other things which he alledged as heinous crimes againſt the chancellor, was the giving a negative voice on the voluntary contributions for the army. *Ruſhworth*, vol. II. p. 725.

† The Spaniſh pirates taken on the coaſt of Ireland were treated by Wentworth with great lenity and indulgence. *Strafford's Letters.*

to

to that admired ſeat of regal ſublimity, and was ſhocked with the independent ſpirit of the haughty Dutch; who, notwithſtanding all prohibitions to the contrary, ſtill perſiſted to fiſh upon the Britiſh coaſt, and at length aſſerted a right founded upon immemorial poſſeſſion. This produced a literary controverſy between the famous Hollander, Hugo Grotius, and the Engliſh Selden, two men eminent for their learning, for their oppoſition to the encroachments of power, and their ſufferings from the tyrannical government of their reſpective countries. The book written by Grotius was entitled *Mare Liberum*; and the anſwer to it by Selden, which aſſerts the excluſive right the Kings of England had to the dominion of the ſeas, *Mare Clauſum.* Charles readily embraced a plauſible pretext to quarrel with the Dutch, and at the ſame time to put the finiſhing ſtroke to that new model of government, which he, with his two miniſters Wentworth and Laud, had in a manner eſtabliſhed in Great Britain. This was no other than to graft on the ſubverted conſtitution a right to levy money on the people, and thus entirely exclude parliaments. Without ſuch a prerogative, the only pillar to ſupport deſpotiſm, he held a very precarious tenure in the tyranny he had uſurped. The immenſe ſums otherwiſe extorted from his people were but barely ſufficient to maintain the more than Eaſtern ſplendor of his court, and defray the neceſſary expence of his government. Should any occaſion then preſent itſelf that required an extraordinary ſupply, he muſt perchance be enforced to demand it in a legal manner of his people, by the old method in parliament. This object of terror, like the ſword of the tyrant Dionyſius, hung ſuſpended over his head, and

Ann. 1634.

thoſe

Ann. 1634. thoſe of his miniſters, ready to cruſh his aſſumed deſpotiſm, and execute juſtice on thoſe parricides.

Project of Ship-money.

On this occaſion, Noy, who ever ſince he had been veſted with office had uſed his drudging talents to ſet a legal colour on every miniſterial project, was referred to. Noy fell again on the expedient of ſhip-money, grounding his opinion on obſolete uſages and cuſtoms, for furniſhing a certain number of ſhips for defence of the ſeas, a buſineſs for which, ſince the more frequent uſe of parliaments, thoſe aſſemblies had ever allotted tonnage and poundage, a tax never yet given on other pretexts. On theſe authorities, produced by Noy, writs were iſſued out, ſetting forth that the ſeas were inveſted with pirates, and commanding the city of London, on their allegiance, and under the forfeiture of all they could forfeit, to fit out ſeven ſhips of war: Power was given by the ſaid writs to aſſeſs all men in the city, and to impriſon thoſe who ſhould be rebellious and contrary in the premiſes, there to remain until farther orders ſhould be given for their delivery. Such writs were likewiſe directed to all the counties of England *. With theſe writs went in-

* Previous to the iſſuing of theſe writs, two proclamations had been publiſhed: One of them forbade any ſea-faring men, ſubjects to the crown of England, to enter into the ſervice of any prince or foreign ſtate, or to be employed out of the realm, without his majeſty's licence, or the licence of the admiral of England; and if any be in ſuch ſervice, that they return, under a great penalty. The other had in it much of the character of the Stewart family: It prohibited the ſubjects of any of the King's nations and kingdoms to preſume to carry the union-flag in the main-top, or other parts of their ſhips; but that the ſame union-flag be ſtill reſerved as an ornament proper for the King's own ſhips, and ſhips in his immediate ſervice and pay, and no others. And his majeſty's farther will and pleaſure is, that all other ſhips

ſtructions from the council to the ſheriffs of the ſeveral Ann. 1634.
maritime counties for aſſeſſing and levying of ſhip money: Thoſe who refuſed payment of their portion were to be diſtreſſed, and their goods ſold for the payment, without any reſpect of perſons, except clergymen, who were to be treated with the deference due to their perſons and callings. If the conſtables, bailiffs, and other officers neglected to do their duty, they were to be bound over to anſwer their fault at the board; and the ſheriffs were to appoint ſuch inſtruments as they ſhould chooſe to ſee the buſineſs effected. Moreover, all ſuch ſums as ſhould be left unlevied by the ſheriff, at the end of the year, were to be levied upon him by his ſucceſſor.

The city of London, on receiving their writ, ſet forth, that by grants and acts of parliament they were exempt from ſuch a charge; and petitioned that they might enjoy their privileges. On the mayor of London's receiving a reprimand, with the city-council, who were admoniſhed to take heed how they adviſed the city in a caſe ſo clear for the King, wherein his majeſty had firſt conſulted with his learned counſel and his council of ſtate, they yielded, tho' with great murmurings. Several individuals would not pay till after impriſonment, that it might ſtand upon record they were forced to it. Some oppoſition likewiſe aroſe in the counties of Devonſhire and Suſſex; but on the ſheriffs beginning to diſtrain, and on the deputy-lieutenants, and other gen-

Strafford's Letters, vol. I. p. 358, 372, & ſeq.

ſhips of his ſubjects of England, or South-Britain, bearing flags, ſhall from henceforth carry the red croſs, commonly called St. George's Croſs, and that all the ſhips of the King's ſubjects of Scotland ſhall from henceforth carry the white croſs, commonly called St. Andrew's Croſs. *Rymer's Fœdera*, vol. XIX. p. 549.

tlemen

Ann. 1634. tlemen, who had ſigned a petition, being ſent for up to appear before the council, and receiving a ſevere reprimand, they ſubmitted, and paid their money.

Death of Noy. Noy the attorney-general, who countenanced this meaſure, died before any progreſs was made in it.

His character. He had received no other favour from the crown but the laborious office of attorney-general---a narrow recompence for the ſacrifice of virtue, honour, and a good name. From being a great patriot, and an oracle for precedents favourable to the powers of parliament, he became ſo faſcinated to the deſigns of the monarch, through the ſeduction of court-ſolicitation, that he was the moſt keen of all the miniſterial gang in every illegal meaſure that the times produced, in all oppreſſive proſecutions, the peculiar buſineſs of his office: Equal to a place of this ſort, he filled it with the higheſt degree of infamy. As his demerits were great, ſo was he completely hated by the public: After languiſhing out a long illneſs, he died without being regretted by his own party, on account of his bodily infirmities, which prevented his being ſo active an agent as the buſineſs in hand required; whilſt, at the ſame time, he lay under the infernal odium of being the propounder of ſhip-money *. Sir John Banks was promoted to the office of attorney-general in his ſtead. Sir Robert Heath, the chief-

* Laud, to whom he had devoted himſelf, obſerves thus of his death: "I have loſt a dear friend, and the church the greateſt ſhe had of his condition, ſince ſhe needed any ſuch." The public, on this cataſtrophe, ſported the following witticiſms: That his body being opened, there was found in his head a bundle of proclamations, in his maw moth-eaten records, and in his belly a barrel of ſoap. *Laud's Life by Prynne*, p. 19. *Ruſhworth*, vol. II. p. 213.

juſtice of the Common-Pleas, whoſe merits on the ſide of government have been recorded, was now found not to have quite villainy or hardineſs enough for the preſent deſigns: he was removed, and Sir John Finch, the queen's attorney, appointed in his place. It was reſolved that ſhip-money ſhould be extended to the inland as well as the maritime counties, and made a general tax all over England *. Ann. 1634.

The very errors of the government were at this time a favourable circumſtance for ſurprizing the people into a kind of acquieſcence to this exorbitant ſtretch of power. Shipping had been wholly neglected; the naval force of England was on ſo contemptible a footing, that the commerce of the country was left unprotected. The Dutch not only continued to fiſh on the Britiſh coaſt, but inſulted its ſubjects. The Algerines paid yearly viſits to the ſeveral iſlands in its empire, and committed great depredations, carrying the natives priſoners to France, and from thence ſhipping them off to Algiers. This made the merchants and people in general, whoſe commercial intereſt was ſtrongly affected, more patient in the preſent circumſtances. This patience threw the court and miniſtry into a perfect ſecurity. Charles and his queen made a magnificent progreſs beyond the Trent, where they were received by the vulgar with a joy and expence as if no cauſe of diſſatisfaction had been given †.

* According to the rates on the new plan, this tax was to bring in near three hundred thouſand pounds.

† On this occaſion the marquis of Newcaſtle expended ſix thouſand pounds in an entertainment given to the King and queen at his own houſe;

Ann. 1634. Death of Sir Edw. Coke.

It was in this year that the nation ſuſtained the loſs of that diſtinguiſhed patriot Sir Edward Coke, who died in the eighty-ſixth year of his age, at his manſion-ſeat in Buckinghamſhire, where he had ſpent the remainder of his days from the year 1628-9, in a quiet retirement, His character. univerſally beloved and reſpected. From a juſt ſenſe of the ſervices this great man rendered his country in the latter and more experienced period of his life, it were to be wiſhed that all his failings had been buried in a total oblivion; but a ſtrict regard to truth, that catholic virtue in

houſe; an entertainment almoſt equally expenſive by this nobleman, on the King's journey to Scotland, has been already mentioned. This voluntary tax to the pleaſures of his ſovereign had not its motive from the exuberance of fortune which he poſſeſſed, but from his peculiar vanity, or ſome little perſonal civility he had received from the court. He wrote to Wentworth on the following particulars: "That children came on apace; that his weight of debt lay upon him; that Welbeck that ſummer had not recovered him of the prodigal diſeaſe; concerning Wentworth's trying his friends in his behalf." To this letter Wentworth returned the following advice and inſtruction: "That on the King's journey from Welbeck, Newcaſtle ſhould gently renew a motion that had been made in his favour; that if the King declined granting it, he ſhould teſtify that he was ready chearfully to acquieſce in his majeſty's good pleaſure; that he ſhould farther beſeech the King to reckon of him as a ſervant that would lay down his life for him, whenever he ſhould pleaſe to require it; that he did not covet the favour for any private bettering of his fortune, but merely that he might have the happineſs to ſpend his life near that perſon whom he did not only reverence as his ſovereign, but infinitely love and admire for his piety and wiſdom." This anecdote, though a trifling one, illuſtrates the humours of the nobility, the extreme paſſion they had for a domeſtic attendance on the perſons of the King and queen: it farther ſhews the tranſcendant folly and vanity of Newcaſtle, in the ſpending upwards of ten thouſand pounds with a view only to get a place at court. He was ſome time after this gratified in his deſire, by being appointed tutor to the prince. *Straffird's Letters*, vol. I. p. 101, 274.

an hiſtorian, renders it neceſſary to enter into ſome parts of his conduct, the defect of which is ſo glaring that nothing but a long ſucceſſion of patriotic exertions could have reſcued his memory from that pit of infamy to which the baſe time-ſervers of thoſe ages have ſo deſervedly been condemned. Very early in life he was eſpecially noticed by Burleigh for the admirable talents he diſplayed at the bar, and was frequently conſulted in the Queen's affairs. Burleigh found ſo much ſolid judgment in him, that he promoted him before his own kinſman Bacon, whoſe law-learning he accounted ſomewhat ſuperficial *: Coke was made Queen's ſolicitor, and then her attorney. In theſe capacities he was conſulted by the miniſters in all points of difficulty; and he too often gave a legal colouring to the moſt tyrannical of their practices. But the very exceptionable parts of his conduct were the proſecutions of Eſſex and Raleigh, who were to be wrangled out of their lives to ſatisfy the infamous ends and caprices of a court. In theſe buſineſſes he ſtuck not to take the moſt unjuſt and illegal methods to compaſs the condemnation of the two ſufferers. But from the time that he attained a more exalted ſtation in the law, after he was made chief-juſtice of the Common-Pleas, in the year 1606, he began to ſhew himſelf no friend to a boundleſs prerogative, objecting in the points of proclamations, prohibitions, and other ſuch matters. His noble and dignified behaviour on king James's calling him to account for his aſſerting the rights of the courts of common law, and arguing the

Ann. 1634.

* This was the ground of that hatred which Bacon ever bore to Coke.

Ann. 1634. point of commendams, have been already mentioned. When he began to find, in the experience of the unjuſt uſage he had received, the venom that lay in prerogative; when he began to conſider the pretenſions of the Stewart family; that the conſequence of ſuch claims, if allowed and eſtabliſhed in the conſtitution, would render the line of law of no effect; that the very forms of it would be ſubverted to the ends and purpoſes of regal tyranny; he from this time exerted in the Commons-houſe * an unconquerable zeal for correcting abuſes, for eſtabliſhing the authority of the law, and confining the prerogative to its proper bounds. From theſe moſt laudable attempts he was not to be diverted, either by the threats or cajolements of a court: for at the period that he was much truſted and employed, after being re-taken into favour, he was ſo far from acting the part that on theſe conſiderations was expected of him, that in the parliament which met in the year 1621 he towered beyond all preceding patriots in the abilities he ſhewed in guiding the counſels of that aſſembly, in the ſtrength and propriety of the arguments he urged for the authority and privileges of parliament, turning by this conduct the ſmiles of the court into a commitment to the Tower, and a rifling his papers. He, to his everlaſting honour, was, in the ſucceeding reign, the man that propoſed and framed the Petition of Right. The cares of the greateſt part of his life were not only for the age he lived in, but that poſterity might feel the advantages of his almoſt-unequalled labours. He was the firſt that reduced

* On James's diſpleaſure, Coke was diſplaced from his office of lord-chief-juſtice, and thus enabled to ſerve his country in parliament.

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the knowledge of the Engliſh laws into a ſyſtem. His Ann. 1634.
voluminous writings on this ſubject have given light to all ſucceeding lawyers; and the improvements that have been made in this ſcience owe their ſource to this great original: the ſervices he rendered his country in this reſpect are invaluable. But whilſt he laboured to his very laſt moments to render the law intelligible, and conſequently ſerviceable to his fellow-citizens, he continued to be oppreſſed in the moſt illegal manner by the government. Secretary Windebank, by virtue of an order of the council for ſeizing ſeditious papers, entered his houſe at the time that he was dying, took away his Commentary upon Littleton, his Hiſtory of that Judge's Life, his Commentary upon Magna Charta, his Pleas of the Crown, and Juriſdiction of Courts, with fifty-one other manuſcripts, together with his will and teſtament. This laſt was never returned, to the great diſtraction of his family affairs, and loſs to his numerous poſterity. Coke, vol. I. p. 309.

In the year 1635, Charles fitted out a fleet of forty Ann. 1635.
ſail of ſhips, under the command of the earl of Lindſey, and a ſquadron of twenty ſhips, under the earl of Eſſex. Their inſtructions were to ſecure the narrow ſeas, and the trade of England. The conjoined fleets of the French and Dutch, on the ſight of this formidable armada, retired towards their own harbours, and by this retreat left the Engliſh undiſputed maſters of the ſeas; the great benefit whereof accrued to the Spaniards, for the Auſtrian Netherlands were preſerved from being over-run by the united force of France and Holland. Notwithſtanding this ſervice, and the loan of an Iriſh regiment under the

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Ann. 1635. command of colonel Preſton, which defended Bruſſels againſt the French, a treaty of peace was concluded at Prague between the emperor and the elector of Saxony, and nothing ſtipulated in favour of the Palatine family: Thus Charles, whilſt he inſulted his own people, was treated with ſcorn by foreign powers. Algernoon earl of Northumberland, a perſonal favourite with the King and queen, was, on ſome diſtaſte that had been taken againſt Lindſey, made lord-high-admiral, and a command given him of ſixty ſail of large ſhips; the greateſt fleet that England ever had put to ſea. A proclamation was iſſued, forbidding all who were not natives of Britain fiſhing upon its coaſts, excepting thoſe who ſhould obtain licences. Some Dutch ſhips were ſurprized and ſunk; and that people conſented to pay thirty thouſand pounds for the privilege of fiſhing.

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tribute

Ann. 1636. Rushworth, vol. II. p. 334.

tribute with alacrity to the tax of ship-money. The city of London petitioning an abatement of their quota, received a threatening answer from secretary Cook; and Charles was now so sure of the thorough servility that reigned amongst the expounders of the law, that, to remove all objection, he sent the following case to be resolved by the judges.

"WHEN the good and safety of the kingdom in general is concerned, and the whole kingdom in danger, whether may not the King, by writ under the great seal of England, command all the subjects of our kingdom, at their charges to provide and furnish such a number of ships with men, victuals, and munition, and for such time as we shall think fit, for the defence and safeguard of the kingdom from such danger and peril; and by law compel the doing thereof in cases of refusal or refractorines? and whether, in such a case, the King is not the sole judge of the danger, and when and how the same is to be prevented and avoided?"

Whitlock, p. 24.

FINCH distinguished himself as much about this business as he had done before in the course of his office as speaker of the house of Commons. He closeted the judges, and at length, by the joint means of flattery and threats, extorted from them the following opinion: "That the King might, on the occasions specified in the question, compel the subjects to furnish aid; and that in such a case he was the sole judge both of the danger, and when and how the same might be prevented." Hutton and Crook were clearly of opinion that the King was not the judge of the danger, and that this was one of those cases

cases in which he was obliged by the constitution to assemble and consult with his parliament; since no man's property could be taken away from him, other than by the legislative authority, which the King by himself had not. After a long and solemn argument, Hutton and Crook seeing themselves opposed by the majority, at length, to avoid danger, yielded, and subscribed the opinion. Ann. 1636.

THIS point gained, Charles's next step was to enter this opinion on record in all the courts at Westminster *. The lord-keeper Coventry by his orders assembled all the judges in the Star-chamber, and, to the confusion and amazement of the greatest number of them, read in full court the question, with their opinion; and afterwards addressed the assembly in the following strain:

"MY LORDS,

"THIS being the uniform resolution of all the judges opinion, with one voice, and set under their own hands; I say, this being so resolved, as they do here express upon every man's particular studying of the case, and upon a general authority among themselves, it is of very great authority; for the very lives and lands of the King's subjects are to be determined by the judgment of these reverend judges, much more a case of this nature, which God knoweth cannot be burdensome to any, but is of a

* The making the extra-judicial opinions of the judges a law, by which the courts of justice were to proceed in judging the suits which might afterwards be brought about this affair, is one of the extraordinary precedents peculiar to this reign. It was what had never been done by any authority less binding than an act of parliament.

Ann. 1636. ſingular uſe and conſequence, and for the ſafety of the whole kingdom. The commandment from his majeſty is, that I ſhould publiſh this your opinion in this place, and give order that it ſhould be entered in this court, in the high court of Chancery, in the courts of King's-Bench, Common-Pleas, and Exchequer; for this is a thing not fit to be kept in a corner. And his farther command is, that you the judges do declare and publiſh this general reſolution of all the judges of England, throughout all parts of the kingdom, that all men may take notice thereof, and that thoſe his ſubjects which have been in any error may inform themſelves, and be reformed. You have great cauſe to declare it with joy, and you can hardly do it with honour enough to the King, that in ſo high a point of his ſovereignty he hath been pleaſed to deſcend and communicate with you his judges, which ſheweth that juſtice and ſovereignty doth in his majeſty kiſs each other. His pleaſure farther being, that you let all know, that it is not in his purpoſe by this reſolution to ſtop or check the actions or ſuits which any have brought, or ſhall bring, concerning this; for it is his majeſty's command, that all ſuch as proceed in an action about the ſame ſhall have equal and mete juſtice, and that they be ſuffered to proceed in courſe of law, ſo as you call the King's learned counſel unto their proceedings, that they may not be ſurpriſed. Now, my lords, I have little more to ſay; but this I am ſure of, that if any contrary opinion ſhall remain among men, it muſt proceed from thoſe that are ſons of the law, or from ſome not towards the law. Of the latter I will ſay, *Felices demum eſſent artes, ſi de illis ſolum judicarent artifices.* And as to the former, you the judges of the realm are, and ever

ever have been, accounted the fathers of the law; then will it become the ſon to diſpute againſt, or take upon him to be wiſer than, the father? Having thus delivered to you that which I received in commandment from his majeſty, as his majeſty doth, ſo do I, leave it to your judgment." Ann. 1636.

COULD there be any aggravation of the injury the ſubject ſuſtained by the violation of their rights in the exacting of ſhip-money, it would be the provoking inſult of thus impoſing it as the law of the realm. It is impoſſible to conceive the joy this proſtitution of juſtice gave the miniſtry, how they triumphed, how they exulted, in their fancied ſecurity: "This for ever vindicates the royalty, ſaid they, from the conditions and reſtraints of ſubjects; this eſtabliſhes the King's throne in wealth, ſtrength, and glory, far above any of his progenitors *."

* The following are opinions written by Wentworth on this extraordinary occaſion: "It is plain indeed, that the judges declaring the lawfulneſs of the aſſignment for the ſhipping, is the greateſt ſervice that profeſſion hath done the crown in my time. But unleſs his majeſty hath the like power declared to raiſe a land-army, upon the ſame exigence of ſtate, the crown ſeems to me to ſtand but upon one leg at home, to be conſiderable but by halves to foreign princes abroad. Yet ſure this methinks convinceth a power for the ſovereign to raiſe payments for land-forces, and conſequently ſubmits to his wiſdom and ordinance, the tranſporting of the money and men into foreign ſtates. And if by degrees Scotland and Ireland be drawn to contribute their proportions to theſe levies for the public, *omne tulit punctum.*" Wentworth perſuades the King ſtill to abſtain from entering into the broils on the continent; and ſays, "That the people muſt be firſt accuſtomed to theſe new levies, leſt they grow peeviſh and backward in their payments, when they find his majeſty not at ſo entire leiſure to diſcipline their untowardneſs as in time of peace." *Strafford's Letters*, vol. II. p. 61, *& ſeq.*

Ann. 1636. THOUGH Charles was from his diſpoſition and education infinitely attached to arbitrary principles in government, yet he did not want for ſtimulations to urge him on towards his natural bias. The queen, to whom he was dotingly attached, entertained him continually with the example of France. The uxorious monarch liſtened with pleaſure to the ſeductive tale, That that crown had, contrary to the fundamental principles of the conſtitution, acquired a power to impoſe taxes and levy money without parliaments; and by its reſolute and wiſe conduct had entirely changed the nature of the government. On the topic of French politics, ſhe inſinuated thoſe maxims that Charles held in the greateſt veneration, that the power, opulence, and authority of the French clergy were the firm ſupports of the crown. In this ſhe was well ſeconded by Laud, and Charles grew every day more fond of a religion whoſe doctrine was ſo favourable to theſe good purpoſes *. Thus encouraged, the Papiſts threw off all reſtraint or decency of deportment: Notwithſtanding the ſevere laws ſtill extant againſt prieſts, many Jeſuits openly appeared in that character; maſs was

Clarendon. Heylin.

* Orleans the Jeſuit writes, that the queen was very zealous for the reſtoring the Catholic religion in England; and being full of that ſpirit which warms the blood of abſolute monarchs, a limited authority to be uſed with art ſeemed to her no better than ſervitude, which cauſed her to make the utmoſt efforts to reſcue the King her huſband and herſelf from it; that ſhe always kept about her a nuncio of the pope's, and entertained correſpondency with the Catholic lords; that ſhe ſtood up for every thing that regarded the church with authority, and ſometimes with heat; and having a conſiderable number of clergymen about her, who were reſtored to her by the peace, ſhe had frequent controverſies with the zealous Proteſtants, wherein the King, who loved her, gave her full liberty, and ſometimes ſupported her. *Father Orleans's Hiſt.* oct. ed. 1722, p. 22, *& ſeq.*

publicly

publicly reſorted to at Somerſet-Houſe, which was erected into a kind of convent for the Capuchins. With theſe inſults, the Papiſts entered into all thoſe projects which were thought the moſt grievous to the ſubject: The corporation of ſoap-makers were almoſt all of that ſect. Ann. 1636.

Scheme of a reconciliation with the church of Rome. Ruſhworth, vol. II. p. 376.

THERE ſeems to have been this year a regular plan ſettled of bringing about the favourite ſcheme of a reconciliation with the church of Rome. One Gregorio Con, a Scotchman, came into England in the character of the pope's nuncio *; and Sir William Hamilton, a Scotchman, was ſent to Rome, as an agent for the Engliſh court †. Laud had ſeveral private conferences with one Davenport, who, under the name of Santa Clara, publiſhed a work, in which he endeavoured to reconcile the Proteſtants to the church of Rome. Popiſh primers and

* Con brought over with him a large cargo of relicks of ſaints, and medals of the pope, with other things of the ſame kind. It is not to be imagined how many people of the higher rank, eſpecially women, were made converts, by the queen's influence, the aſſiduity of the nuncio, and the effects which this trumpery wrought on their imaginations.

† Charles laid aſide that formality he uſed to his own ſubjects, and grew familiar with Con; he admitted him in all his parties. Propoſitions were made on both ſides towards the deſired reconciliation, in a book intitled, "The Engliſh Pope." It is affirmed, that when Con undertook the management of that affair, matters began to grow towards an agreement. This Laud's own creature and boſom-friend, Heylin, does not deny, but vindicates it in the following ſtrain: "The greateſt part of the controverſies betwixt us and the church of Rome, not being in the fundamentals, or in any eſſential point in the Chriſtian religion, I cannot otherwiſe look upon it but as a moſt pious work to endeavour an atonement in the ſuperſtructures." *Heylin's Life of Laud*, p. 412, *& ſeq.*

catechiſms,

Ann. 1636. catechiſms, and other books of the kind, were imported with impunity, contrary to the ſtatute of the third of James. At the ſame time, the ſevereſt penalties were impoſed on a cuſtom-houſe officer, who by negligence had ſuffered a parcel of Geneva bibles to paſs unnoticed. Paſſages againſt Popery were expunged in all the books whoſe publications were licenſed *. Almoſt every thing,

Prynne's Trial of Laud, P. 349, 543, & ſeq.

Ibid, p. 252, & ſeq.

* Laud cauſed a decree to be made in the Star-chamber, of which the following is an abſtract: That all books concerning the common laws ſhall be licenſed by the lord-chief-juſtice; all books of hiſtory belonging to the ſtate by the ſecretaries of ſtate; books of heraldry by the earl-marſhal; and books of divinity, phyſic, &c. by the archbiſhop of Canterbury and biſhop of London, or the chancellor or vice-chancellors of either of the univerſities; provided always, that the chancellor or vice-chancellors of either of the univerſities ſhall licenſe only ſuch books as are to be printed within the limits of the univerſities, not meddling either with books of the common law or matters of ſtate: That every perſon authorized to licenſe books ſhall have a copy of the intended publication, which is to be kept in the public regiſters of the lord-archbiſhop, or with, &c. &c. to the end they may be ſecure that the copy ſo licenſed be not altered without their privity: That every importer of books, before they expoſe any to ſale, ſhall give a true catalogue to the lord-archbiſhop of Canterbury, or the lord-biſhop of London: That no importer ſhall preſume to open any parcel of books coming from beyond the ſeas, nor any officer belonging to the Cuſtom-houſe ſuffer the ſame to paſs, till the lord-archbiſhop of Canterbury, or lord-biſhop of London, appoint perſons to view the ſame: That if there be found any offenſive books, the lord-archbiſhop of Canterbury, and lord-biſhop of London, may cauſe the offender to be puniſhed: That every perſon that hereafter prints any books, ballads, charts, pictures, or any other things whatſoever, ſhall put their names to the ſame, and the name of the author: That no perſon ſhall import any Engliſh books, whether the ſame have been formerly printed or not: That no perſon ſhall erect any printing-houſe, or let any room for that purpoſe, without giving firſt notice to the company of ſtationers: That no workman ſhall make any printing-preſs, no founder caſt any letters, no one import any from beyond ſea, nor buy any, without firſt acquainting the maſter and

however groſs, was permitted that favoured the Romiſh tenets *. A re-publication of the old ſtanding books Ann. 1636.

wardens of the company of ſtationers. Farther to check publication, this decree ordained, That there ſhould be but twenty maſter-printers allowed, except his majeſty's printers, and the printers allowed for the univerſities: That the archbiſhop of Canterbury, and biſhop of London, were to fill up vacancies: That every perſon allowed to have the uſe of a preſs ſhould be bound in three hundred pounds penalty not to print any thing that was not lawfully licenſed: That no allowed printer ſhould keep above two preſſes, except the maſter-warden of the company, who was permitted to keep three: That no perſon reprint any book, though formerly printed with licence, without obtaining a new licence: The maſter-warden of the company not to keep above three apprentices; a maſter-printer of the livery of the company not above two; and a maſter-printer of the yeomanry not above one: Becauſe a great part of the ſecret printing is occaſioned by the want of employment for journeymen-printers, every journeyman-printer free of the company ſhall be employed within the company, and the maſter-printer ſhall be obliged to employ them, though their apprentices can do the work: That no maſter-printer ſhall employ any that have not been apprentices to the myſtery of printing. The ſame regulations and reſtrictions were laid on the founders of letters, who were to be but four in number. For the better diſcovery of printing in corners without licence, any printers appointed by the archbiſhop of Canterbury, or biſhop of London, to have power and authority to take what aſſiſtance they think needful, and ſearch any houſes and ſhops they think fit, and bring the delinquents before the archbiſhop of Canterbury, or biſhop of London: That no perſon ſhall land books coming from any place beyond ſea, but in the port of the city of London. The penalty of offending againſt the orders of this decree were to be whipping, diſabling, fine, and impriſonment, what meaſure of puniſhment the court of Star-chamber or court of High-commiſſion ſhould think fit to inflict. *Ruſhworth*, vol. III. *Appendix*, p. 306, *& ſeq.*

* Among other tenets of the ſame kind that were broached at this time, Mountague maintained, that ſaints had a peculiar patronage, and that prieſts had an immediate power from God to forgive ſins. One Anthony Stafford, in language highly ridiculous, and even blaſphemous, extolled the invocation of the Virgin. *Prynne's Trial of Laud*, p. 215.

againſt

Ann. 1636. againſt Popery was refuſed *. The laws were almoſt every day ſuſpended in favour of Papiſts †. A ſevere paſſage againſt this ſect was omitted out of the ſervice compiled for the fifth of November; whilſt all the Proteſtants who did not conform to the new mode of worſhip were treated with the utmoſt rigor ‡. Laud, who aſſumed the character of univerſal biſhop §, made a metropolitical viſitation in all the dioceſes of England. He cauſed all the communion-tables throughout the kingdom to be diſpoſed according to the new plan; and framed bodies of ſtatutes for the government of cathedrals, where bowing at the altar was by article enjoined. On the occaſion of this general viſitation, the two univerſities of Oxford and Cambridge pleaded, that they were exempt from other viſitation than from the King, their founder. Laud repreſented this as binding up the hands of the church from enforcing a reformation ‖; and the matter was referred to the King and council. Sir John Banks, the attorney-general, pleaded for the archbiſhop's rights; whilſt the devout Charles argued the caſe, and gave judgment againſt himſelf: Laud, thus ſeconded, behaved with great inſolence even to the monarch. The deciſion went againſt the univerſity, though the earl of Holland, chancellor of Cambridge, offered to admit of Laud's viſitation by commiſſion from the King *. The archbiſhop having thus carried his point, the two univerſities were ſupplied with images, and the firſt queſtion aſked at the metropolitical viſitation was, "Is there due reverence paid to the altar?" On entering the chapels at Cambridge, none were permitted to approach it but in ſandals, and a conſecrated knife was ſet apart to cut the ſacramental

Heylin's Life of Laud, p. 291, & ſeq.

* Jewel's Works, Practice of Piety, and the Book of Martyrs.

† Letters of grace were often ſigned by the King's own hand. Protections were granted that the courts of juſtice ſhould not proceed againſt certain Popiſh Recuſants. Theſe were ſignified by a letter from a ſecretary of ſtate to the judges of the court, that they ſhould not be eſtreated into the Exchequer. One Grey, with other meſſengers, were by Laud and ſecretary Windebank, his creature, threatened to be laid by the heels if they moleſted Popiſh Recuſants. *Ruſhworth*, vol. II. p. 285. *Prynne's Trial of Laud*, p. 449, *& ſeq.* 458.

‡ At the ſame time that Puritaniſm was with ſuch rigor exterminated from Oxford, friar St. Giles, a Romiſh prieſt, was maintained with a royal penſion in that univerſity. *Prynne's Trial of Laud*, p. 456.

§ The heads of the univerſity of Oxford, and others of Laud's creatures and dependants, in their addreſſes uſed to give him the pope's titles, Holineſs and Moſt Holy Father. *Prynne's Trial of Laud*, p. 194. *Heylin's Life of Laud*, p. 316.

‖ The archbiſhop urged, that there were three chapels in Cambridge not conſecrated; that they came into the chapels without ſurplices; and other dangers growing, that the univerſity would be paſt remedy before any complaint was made. About this time the new ſtatutes for the univerſity of Oxford were finiſhed, and publiſhed in convocation: The preface diſparaged king Edward the Sixth's time and government, declaring the diſcipline of the univerſity was diſcompoſed by the King's injunctions, and that it did revive and flouriſh again in queen Mary's days, under cardinal Pool, when, by the much-to-be-deſired felicity of thoſe times, an in-bred candor ſupplied the defect of ſtatutes. *Franklyn's Annals*, p. 473. *Ruſhworth*, vol. II. p. 324.

Ann. 1636.

* There are things ſaid by the King during the courſe of this controverſy which may ſerve to give the reader an idea of his character and opinions. On Laud's advancing, that the exceptions to the archbiſhop's viſiting the univerſity came from the pope, "I dare ſay, ſaid the King, that the pope doth as much to beat down biſhops as any Puritan doth in England." Serjeant Thin, who was of counſel for the univerſity, having ſaid that Richard the Second, in a particular caſe, had miſtaken the law, "I will not grant, Mr. Serjeant, interrupted Charles, that my predeceſſor did miſtake the law—Perhaps he might be mis-informed of the law." *Ruſhworth*, vol. II. p. 324, *& ſeq.*

Ann. 1636. bread *. To complete the triumphs of Laud, Juxon, his creature, whom he had cauſed to be made biſhop of London, was, on the death of the earl of Portland, promoted to the treaſurer's ſtaff †. This brought Laud into great reputation with his brethren: It was the higheſt encouragement to devote themſelves to his meaſures, ſince they might aſpire, through ſo powerful a recommendation, to all the great offices in the kingdom ‡. Notwithſtanding the tax of ſhip-money, the people were daily plagued with various kinds of impoſitions §; and as the

Impoſitions.

* Laud, in a letter to the vice-chancellor, ordered divine ſervice to be performed at Oxford in the Latin tongue, and that the vice-chancellor and thoſe who officiated ſhould be ſure to wear ſurplices. In a poſtſcript to this letter, Laud directs that all his letters of this nature ſhould be regiſtered. In the margin is written, "My letters of importance to be regiſtered." *Laud's Hiſt. of his Chancellorſhip of Oxford, in the Second Volume of his Remains*, fol. ed. 1700.

† Laud, in his Diary, obſerves thus of this promotion: "Sunday, William Juxon lord-biſhop of London was made lord-high-treaſurer of England: No churchman had it ſince Henry the Seventh's time. I pray God bleſs him to carry it ſo, that the church may have honour, and the King and the ſtate ſervice and contentment by it. And now if the church will not hold up themſelves, under God, I can do no more." On a previous promotion of this Juxon, Laud obſerves, "Dr. Juxon the dean of Worceſter, at my ſuit, ſworn clerk of his majeſty's cloſet, that I might have one that I might truſt near his majeſty, if I grow weak or infirm—as I muſt have a time." *Prynne's Breviate of Laud's Life*, p. 17, 20.

‡ "The clergy are ſo high here, writes one of the newſmongers of the court, ſince the joining of the white ſleeves with the white ſtaff, that there is much talk of having a ſecretary a biſhop, and a chancellor of the Exchequer. This comes only from the young fry of the clergy: There is not much credit given to it; but they ſwarm mightily about the court." *Strafford's Letters*, vol. II. p. 2.

§ A place was erected for one Leſley out of the fines for prophane curſing and ſwearing. A fine was impoſed on every ſubject who departed

opulence of the clergy was to increaſe with that of the crown, an attempt was made to enhance the value of Ann. 1636. Ruſhworth, vol. II. p. 269. & ſeq.

parted the kingdom without licence from the King and council. The Poſt-office was rendered a job to one Wetherings. A new impoſition of four ſhillings *per* chaldron was laid on all ſea-coal that was tranſported. The King appropriated to himſelf the ſale of gun-powder: The ſubject was forbid by proclamation to ſupply himſelf otherwiſe than out of the King's ſtores, at ſuch rates as the King ſhould pleaſe to appoint. Moreover, arbitrary prohibitions were made concerning the not paving any kind of out-houſes, which otherwiſe would be good nurſeries for the breed of ſalt-petre. Juſtices of the peace and other officers were commanded to make ſearch in all dove-houſes, cellars, vaults, out-houſes, to prevent all deceit or evaſion of the orders contained in the proclamation; that no ſtables, other than the ſtables of the lords ſpiritual and temporal, and of gentlemen of quality, be pitched, paved, or graveled, where the horſes feet are to ſtand.

One Hilyard was fined five thouſand pounds for ſelling of ſalt-petre againſt proclamation. Penalties were inflicted on heavy carriages that travelled the high-ways. The ſubject was again called upon to confirm by money their reſpective titles and eſtates. All proprietors were obliged to produce their titles, to which the commiſſioners were ſure to make objections: This made many people, to avoid a law ſuit with the King, compound with the commiſſioners, and give a ſum of money to ſecure their lands without farther trouble.

A patent was granted for the ſole making of ſtrong waters through England and Wales; and many other monopolies eſtabliſhed, to the great detriment and vexation of the ſubject.

An office was erected for the ſole making of iron, and a ſurveyor appointed of all iron-works, furnaces, and forges, within England and Wales, by letters-patent. The officers were appointed to have fees at the time of ſurveying and marking; and all perſons were required to permit the ſaid officers or their deputies to enter into their warehouſes, iron-works, *&c.* The King declared, that his officers or their deputies might enter into any woods or wood-grounds, where any woods were or ſhould be felled to be converted into coals for the making of iron or iron-metal.

An office was erected for licenſing ſubjects to travel in foreign parts.

Ann. 1636. tythes within the city of London, by ſubjecting a queſtion in diſpute between the clergy and the citizens to the arbitration of the King and council.

CHAP. IV.

Trial concerning Ship-money——Arundel's fruitleſs negociation in Germany.——Pacific meaſures of the miniſtry.——Proſecution of Williams biſhop of Lincoln.——Proſecution of Prynne, Burton, Baſtwick, and others.——Reſolution of many to quit their native country.

Ann. 1637. WHILST the nation impotently groaned under the deepeſt wound the Engliſh conſtitution ever had received; whilſt the two eſtates of Lords and Commons were precluded all hopes of ever re-aſſuming their rights, privileges, and authorities; whilſt law itſelf, conveyed through the polluted channel of corrupt gown-men, was rendered the inſtrument of deſpotiſm; one man, the ſame who had before ſuffered impriſonment rather than conſent to an illegal loan, again ſtood forth, and combated this new ſtate-monſter, Ship-money.

Ruſhworth, vol. I. p. 428.

JOHN HAMPDEN, of an ancient family and conſiderable fortune, had been rated at twenty ſhillings for an

An office was erected for the ſurveying and ſealing of a reel appointed to be uſed by the manufacturers in cloth and yarn. This erecting of new offices with fees was illegal: An office of of worſted, in Edward the Third's time, was adjudged void and repealed; and an office of meaſurage, granted by Henry the Fourth, was complained of in parliament as againſt the ſtatute *De Tallagio non Concedendo*. *Rymer*, vol. XIX. p. 601, *& ſeq.* *Ruſhworth*, vol. III. *Appendix*, p. 68, *& ſeq.* *Rapin*, vol. X. p. 294. *Strafford's Letters*, vol. I. p. 446.

eſtate

eſtate which he held in the county of Buckingham: And notwithſtanding the powers of the conſtitution ſeemed to be entirely ſubdued by the rapacious encroachments of monarchy; notwithſtanding there was no proſpect of relief from parliament; notwithſtanding the miniſters of Charles were armed with power, and held in one hand the ſword, in the other the yoke, over the neck of their helpleſs country; this illuſtrious individual, by an appeal to the laws of the realm, reſolutely ſtood the reſentment of a tyrant, rather than tamely ſubmit to the illegal impoſition. Mr. St. John and Mr. Holbourne, two lawyers of great eminence, were of his counſel. After many pleadings and traverſes, the cauſe was heard before all the judges in the Exchequer-chamber. Twelve days were expended in the pleadings of the lawyers, and the caſe was afterwards argued by the judges. Precedents of writs as ancient as the Saxon times were produced: Theſe writs, when examined, were found only to require the ſea-ports, ſometimes at their own charge, ſometimes at the charge of the counties, to ſend their ſhips for the defence of the nation. But this power which the crown had exerciſed, to iſſue ſuch writs, was entirely aboliſhed by the ſtatute *De Tallagio non concedendo*; all the authority that remained was to preſs ſhips into the public ſervice to be paid by the crown. Yet notwithſtanding this, and that Mr. Hampden's counſel unanſwerably proved the illegality of the tax, from the fundamental principles of the conſtitution, and the poſitive dictates of the Great Charter, and other conſtitutional acts, and to the Petition of Right, which had lately been ſo ſolemnly enacted by the concurrence of the whole legiſlature, the proſtituted bench of judges, four

Ann. 1637.

Trial concerning ſhip-money.

indi-

Ann. 1637. individuals excepted, gave ſentence in favour of the crown. The judges Weſton, Crawley, Berkley, Vernon, Trevor, Finch, and Bramſton, for the King; Crook, Hutton, Denham, and Davenport, for Mr. Hampden.

THE great Littleton, who had made ſo noble a figure in all proceedings againſt the uſurpations of the crown, and in pleading the cauſe of the impriſoned members; had cried out, "The Petition of Right, the Petition of Right;" was now ſunk into a ſolicitor-general, and argued on the ſide of tyranny with all the petulance, arrogance, prevarication, and fallacy, of a true crown-lawyer; who, ſafe under the royal banners, clamours nonſence and falſhoods at the bar with unlimited impunity. The point in diſpute was ſo impotently conteſted by the pleaders on the ſide of prerogative, that nothing could equal the iniquity of their intentions but the weakneſs of their arguments. On the other ſide, Mr. St. John ſupported his with a great weight of authorities, and ſhewed a depth of learning, and ſtrength of reaſon, equal to the importance of the occaſion. Mr. Holbourne was manly and rhetorical: He expoſed the iniquity of the tax, upon the principles of hiſtory, law, and civil policy *: But when at the greateſt diſtance he pointed towards matters of government, he was checked and interrupted from the bench by that conſummate tool Finch, who in open court

* This work having been already enriched with a number of notes neceſſary to illuſtrate or enforce the matter in the text—that the page might not be diſfigured with a very long one relating to this important trial, the author has thought proper to add it by way of Appendix, which the reader is earneſtly deſired to peruſe.

reproached

reproached Crook and Hutton with having receded from Ann. 1637.
their opinions given in private *. In the ſpeeches that Hutton and Crook made, they excuſed the ſeeming difference in their judgments, affirming, that the former opinion, which had been ſubſcribed with their hands, was extorted from them by their brethren, more ancient than themſelves: They had aſſured them, that it was not fit in caſes of a nature ſo much concerning the King, for ſome to ſubſcribe, and others to forbear their ſubſcription; and although they did ſubſcribe, it did not ſo bind, but that if the caſe came in queſtion judicially before them, they might give their judgments as they ſhould ſee cauſe, after hearing the arguments on both ſides. Judge Hutton farther ſaid, that if he was now of the ſame opinion he had before ſubſcribed to, yet this writ did not purſue that direction; for it was then agreed, that the King might charge in caſe of a general danger, not a danger of pirates, but on imminent neceſſity and apparent danger, which could not otherwiſe be avoided.

IN the courſe of the pleadings it had been confeſſed, that public and private danger might be ſo imminent as to occaſion a neceſſary ceſſation of property, whilſt the parties were providing for their ſafety: But how abſurd was the plea of neceſſity in the preſent caſe? Urgent danger muſt be obvious to the public eye, and men will

* Denham being abſent on account of ſickneſs, Finch repaired to his chamber, to urge him to retract his opinion; and on his refuſal, uſed ſome threatning expreſſions. *Commons Charge againſt Finch, Ruſhworth*, vol. IV. p. 187.

then

Ann. 1637. then readily ſubmit to an irregular authority, when exerted for their preſervation. What is there common betwixt ſuch ſuppoſitions and the preſent condition of the nation, ſaid the popular lawyers? England enjoys a profound peace, and the enmity ſubſiſting between her neighbours ſecures her tranquillity. The writs which are iſſued for the levying of ſhip-money pretend only that the ſeas are infeſted with pirates, and allow ſeveral months for equipping the ſhips: This muſt be a ſpecies of neceſſity that would admit of delay beyond the time requiſite for ſummoning a parliament. It was farther remarked, that the pretended neceſſity had continued, without interruption, for three years; and during ſo long a time had remained inviſible to the whole nation.

THIS trial, which had been permitted in order to obtain a judicial record in favour of deſpotiſm, helped to rouſe the public from that effeminate paſſiveneſs which riches and luxury had occaſioned. A long peace, and national induſtry, had greatly enlarged the commerce, and encreaſed the opulence, of the people of England. Theſe advantages, due alone to their diligence and virtue, they now, by a logic which included all the property in the kingdom, ſaw themſelves irrecoverably deprived of. The more the late tranſactions were canvaſſed, the more evidently did it appear, that the old conſtitution was totally ſubverted, and tyranny eſtabliſhed in its ſtead; the utmoſt violence exerciſed againſt mens perſons and property, under the pretence of law and reaſon: If any thing could add to the indignity the public received, it muſt be ſuch a mockery of their underſtanding.

ing. The judgment in the caſe of ſhip-money bound all men to a forced acquieſcence; for the queſtion, whether the King could impoſe taxes without conſent of parliament, was never afterwards ſuffered to be debated: The lord Say endeavoured to procure a new trial on the ſame point, but was refuſed. Juſtice Crawley, at an aſſize in the Weſtern circuit, aſſerted, in the face of the country, that the power of impoſing was ſo inherent in the crown, that no parliament could take it away. Juſtice Berkley, at the York-aſſizes, in the ſame public manner, declared, that the judges were in ſome caſes above parliaments. Ann. 1637. Acherley's Brit. Conſtitutions, P. 373.

THE zeal which theſe corrupt lawyers ſhewed in the cauſe of ſlavery could not be equalled but by the frenzy of the clergy. One Harriſon, a well-beneficed divine, and chaplain-extraordinary to biſhop Juxon the treaſurer, took notes of judge Hutton's ſpeech in the caſe of ſhip-money; and four days after preſſed up to the bar of the Common Pleas, crying, he came to diſcover high-treaſon. On being told, that the King's-Bench court was more proper for that accuſation, he ſaid, "No; the party ſat in that court, and there he would charge him: It was judge Hutton." The croud about the bar ſaid he was mad. "No, replied his curate; he will make good his accuſation." On being taken into cuſtody and examined, he juſtified his behaviour, and ſaid, that Mr. Juſtice Hutton, in his argument, had denied that ſupremacy and ſupreme power which, by the orthodox opinion of all divines, was inherent in the King, whereby he had power to aſſeſs what ſum ſoever he in his conſcience, between God and him, thought fit, for the good of the common- Strafford's Letters, vol. II. p. 167, 177. State Trials, vol. I p. 699, & ſeq.

Ann. 1637. wealth, notwithſtanding any ſtatutes, laws, or cuſtoms, to the contrary; that all the ſtatutes were but favours from the Kings of this realm, which they might break at their pleaſure. The miniſtry were ſo aſhamed of this flight of Harriſon, that they gave directions to proceed againſt him in the King's-Bench, where, for the miſdemeanor of inſulting a judge in his office, he was fined five thouſand pounds, and to make an acknowledgment of his offence.

Whitlock, p. 24. RELATIVE to this important trial and judgment in the caſe of ſhip-money, I muſt remark an anecdote that does honour to the female ſex. Judge Crook, fearful of expoſing himſelf to the reſentment of a wicked and powerful miniſtry, had determined to give judgment for the King; but his wife, a woman of true virtue, addreſſed him in a ſtyle of Spartan magnanimity; conjured him not to err againſt his conſcience and his honour for fear of incurring danger or poverty: for herſelf, ſhe would be content to ſuffer want or any miſery, rather than be the occaſion of his acting againſt his judgment and his conſcience. Crook, ſtruck with the exalted ſentiments, and ſtrengthened with the farther encouragements, of ſo dear and perſuaſive a friend, altered his purpoſe, and not only gave his opinion againſt the King, but argued with a noble boldneſs and firmneſs on the ſide of Law and Liberty. That there is an example of this kind in the hiſtory of my country, gives me infinite pleaſure; that there are few, I feel with a ſenſible regret. Were the principles of the generality of the ſex as juſt and as well founded as were thoſe of this reſpectable woman, it would have a very happy effect on the conduct of ſociety: We

Ann. 1637. We ſhould not have to lament ſo many melancholy inſtances of human weakneſs, nor, particularly in this country, ſuch a continued ſucceſſion of patriots falling from the higheſt pinnacle of reputation into the pit of ſhame and infamy, and ſacrificing the eſſential ſuperiorities of virtue and honour to the fancied diſtinctions of a peerage and a ribbon!

SHIP-MONEY continued to be exacted with the utmoſt rigor; and, to keep up appearances, a fleet for ſome time paraded on the ſeas: but, according to the opinion of the lord-admiral *, it was of ſo little ſervice, that the King might have ſaved his charges, and kept it at home. Indeed, the miniſtry ſeemed to conſider its uſes only as a colour to their pretences; for at this very time the Dutch re-aſſumed their claim, and refuſed to purchaſe licences for fiſhing. The neutrality of the Engliſh ports were not only violated by Spain, Holland, and France, but the Engliſh merchant-men were frequently taken by the ſhips of theſe ſeveral powers; the paſſage-boats carrying the King's packets were ſpoiled and arreſted by the French. The earl of Leiceſter, ambaſſador to that King, writes to ſecretary Cook, "That the ſeas were dangerous by reaſon of the Dunkirkers; that the French committed frequent and inſufferable inſolencies upon the Engliſh; that the King's purveyor having made proviſion of foreign wine, part was taken by the Biſcayners, and carried into Spain, and the other part ſtayed in France." Sir Philip Carteret, governor of Jerſey, complained, that there was a general arreſt of all Engliſh ſhips and goods. At this juncture, three Engliſh Eaſt-India ſhips were taken by the Hollanders, the Bona-Eſperanza, the Dra-

* Northumberland. Strafford's Letters, vol. II. p. 84, 117.

Sidney's State Papers, vol. II. p. 375, 435, 531, 533. Oldmixon, p. 128.

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gon, and Katherine, valued at 350,000 l. The Algerine pirates continued to infeſt even the Britiſh Channel, and made ſuch captures that they were at one time in poſſeſſion of between four and five thouſand ſubjects of the crown of England. Sallee, a town ſituated in the province of Fez, on the coaſt of Barbary, the great rendezvous of theſe ſea-robbers, revolting from the government of the emperor of Morocco, that prince ſent an ambaſſador to Charles to deſire him to attack the town by ſea, whilſt he aſſaulted it by land. Captain Rainſborough, an experienced ſea-officer, was this year ſent with four ſhips and two pinnaces, with inſtructions to block up the port of Sallee. It was at the ſame time attacked by a very powerful land-force, and ſoon reduced; the fortifications were demoliſhed, and the leaders of the rebellion put to death. It does not appear, that the reduction of Sallee was of any very material ſervice to the Engliſh ſubjects, for the Turks continued their depredations many years after this event.

Sallee deſtroyed.

THE peace of Prague had diſcontented all parties, but particularly the Swedes, who, abetted by the French and Dutch, invaded the elector of Saxony's dominions. This contention among almoſt all the great powers in Europe rendered Charles of ſome conſequence: he had been courted in turns by the three ſtates in confederacy againſt the houſe of Auſtria—Holland, France, and Sweden. Of the increaſing power of the French and Dutch he had conceived a jealouſy, and was ſo cold towards entering into any alliance with the Swedes, that the chancellor Oxenſtiern's ſon, who had been ſent by his father into England to proſecute the project of the negotiation

which had been broken off by Vane, was ſo little regarded, and treated in ſo ſlighting a manner, that he left the kingdom in great diſcontent, not even accepting the preſents that were made him in the character of ambaſſador. Charles neglected all the offers of aſſiſtance that theſe powers tendered him towards the reſtitution of the Palatinate family, and choſe ſtill to depend on the houſe of Auſtria, who, at this criſis, he imagined would be glad to purchaſe his friendſhip. At the acceſſion of the new emperor, the earl of Arundel was ſent into Germany, to negotiate the reſtoration of the elector's patrimony. The ambaſſador received an anſwer ſo little ſatisfactory to the deſires of the court of England, that he returned home in great diſguſt, without taking leave *. Charles, inflamed by the account which the earl of Arundel gave of his fruitleſs embaſſy, began to liſten to propoſitions that were made him by the French king, whoſe country was at this time invaded by the arch-duke. For the aſſiſtance of the Engliſh fleet, and ſome levies of men, Charles was to have a ſhare in all the conqueſts gained from the Auſtrian family, and no peace to be concluded before the prince elector was reſtored to his poſſeſſions and dignities †.

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Arundel's fruitleſs negotiation. Ruſhworth, vol. II. p. 364, & ſeq.

* The duke of Bavaria plainly told him, that what he had gained by the ſword he would keep by the ſword. *Ruſhworth*, vol. II. p. 365.

† There was at this time an effort made to get money from the Puritans, under pretence that the prince-elector, who was yet in England, was deſirous of being in action, and would attempt an expedition againſt Spain. This did not take: the people of England were too much exaſperated with forced impoſitions to come into the ſcheme of a voluntary contribution. *Strafford's Letters*, vol. II. p. 49.

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THERE were at this time two factions in the court; one of them favoured the houſe of Auſtria *, and the other inclined to the French and Dutch. The firſt had drank deep of the intoxicating cup of tyranny, and had planned all the meaſures which had been purſued to ſubvert the conſtitution: They found their ſafety depended on preſerving a profound peace, and uſed all their influence to prevent their maſter from engaging himſelf in the quarrel on the continent, or entering too far into the intereſt of his ſiſter and his nephews. The other faction had kept well with the court, for the ſake of places and preferments; but at the ſame time impatiently expected an occaſion which would drive Charles and his cabal into the neceſſity of ſummoning a parliament: This event, they hoped, would prove a means of freeing their enſlaved country, and confounding the hitherto-ſucceſsful ſchemes of her enemies. They continually repreſented to the King the deplorable ſituation of the queen of Bohemia, and that now was the favourable criſis to recover by honourable means the Palatinate, and revenge the indignities the Stewart family had received from the houſe of Auſtria †.

Pacific meaſures of the miniſtry.

* Northumberland, who was of the council, wrote word to Leiceſter, Charles's ambaſſador in France, that Laud, Hamilton, and Wentworth, who were the people that abſolutely governed, were as much Spaniſh as Olivares; that there was not any body about the King more Spaniſh than Wentworth. Moreri accuſes him of being a penſioner to Spain. Sir Thomas Roe wrote out of Germany, that he had good intelligence there, that ſecretary Windebank betrayed the counſels of the Engliſh court to the Spaniards and Imperialiſts, and that he was their penſioner. *Sidney's State Papers*, vol. II. p. 617, 621.

† Wentworth perfectly underſtood the aims of this faction, and expreſſed his fears to Laud. "Good my lord, writes he, if it be not too

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THE preſent appearance of a war ſtruck the cabal of miniſters and all their adherents with conſternation: a parliament, that object of terror to wicked ſtateſmen, repreſented itſelf to their imagination, armed with all the powers of the injured conſtitution; and their guilt made them ſenſible that they had nothing to hope from the ſevere but equitable juſtice of that aſſembly. The alarm ran thro' the whole miniſterial faction: Tho' Charles aſſured Wentworth that his warfare ſhould be by ſea, not by land, that he was determined not to meddle with land-forces, and that by this management he ſhould keep free from the neceſſity of calling a parliament, yet this did not calm the apprehenſions of this ſelf-convicted criminal: He repreſented in a very preſſing manner, "the danger the King ran of entering into foreign engagements till the crown was diſcharged of debts, the royal coffers filled, and the ſovereignty ſet upon its right foot throughout the three kingdoms; but that this foundation laid, nothing could ſhake the monarchy, or ſtay the career of his majeſty's triumphs. It was to be conſidered how far his majeſty was obliged to interrupt the proſperity of his own affairs, for the reſtitution of the prince-elector his nephew; how far anſwerable in piety towards his ſiſter

Strafford's Letters, vol. II. p. 53, 59, & ſeq.

too late, uſe your beſt to deliver us from this war; it will neceſſarily put the King upon all the high ways poſſible; and if theſe fail, the next will but be the ſacrificing thoſe that have been his miniſters therein. I profeſs I will lay down my life to ſerve my maſter; but it would ſomething trouble me to find even thoſe that drew and engaged him in all theſe miſchiefs buſy about me themſelves in fitting the halter about my neck, and in tying the knot ſure that it ſhould not ſlip; as if they were the perſons in the world the moſt innocent of guilt, howbeit in truth as black as Hell itſelf, and on whom the puniſhment ought to lie." *Strafford's Letters*, vol. II. p. 66.

Ann. 1637. and his nephews, having ſo royal and plentiful an iſſue of his own to be provided for according to their greatneſs, and that in the firſt place, whereas by this means they ſeemed poſtponed; it was to be conſidered, whether ſhip-money would be brought in ſo readily this year as it was the laſt, or whether his majeſty's being engaged in a war might embolden the ill affected to grow more backward in their payments, finding him not at ſo entire leiſure to diſcipline their untowardneſs as in time of peace. Should the fleet going out fall into any misfortune, what likelihood that the ſubject would, without heſitation, make up the breach by a ſecond levy? that failing, what other means had the crown to enforce it but by parliament? and what wiſdom did adviſe the ſummoning one in a time ſo conditioned? Were it not more opportune to endeavour the reſtitution by treaty, to ſatisfy the duke of Bavaria and other pretenders with two or three hundred thouſand pounds amongſt them, rather than to enter into a war accompanied with uncertainties, inconveniencies, and dangers? It might be aſked, where was ſo great a ſum to be had?—Of the ſubjects of England; and thus inſenſibly gain a precedent, and ſettle a right in the crown to levies of ſuch a nature, which drew after it many advantages, more proper to be thought of at ſome other ſeaſon than the preſent." To theſe conſiderations Wentworth added, that the conſequences of a war would be the decreaſe of the cuſtoms of Ireland *; it would prove an obſtacle in the ſettling

* By the means of many oppreſſive impoſitions, the receipt of the cuſtoms in Ireland was raiſed two thouſand pounds a-year. Wentworth had a great ſhare in theſe farms, and was accuſed of putting more money in his own pocket by theſe improvements than he did in his maſter's.

plan-

plantations, and that all the propoſitions given to his majeſty for the advancement of his revenue would be at a ſtand. Ann. 1637.

ARGUMENTS of this nature could not fail of having their due weight. The entering into a league with the fore-mentioned confederate powers was entirely laid aſide, and Charles aſſured his miniſters, that nothing ſhould incite him to meddle with war. He refuſed to enter into an offenſive and defenſive treaty with France, and ſlighted every propoſition of alliance with that court. Lewis reſented this behaviour, and told the earl of Leiceſter, the Engliſh ambaſſador, that his maſter's embracing or rejecting the amity proffered depended on the reſolutions of the court of Vienna, and that he had made uſe of a pretended treaty with France to render the emperor more compliant to his demands. Lewis farther complained, that the King of England openly aſſiſted the enemies of France, the Spaniards, and earneſtly adviſed Charles to break off all correſpondence with the emperor, for he was aſſured that the houſe of Auſtria would never give him any kind of ſatisfaction. Sidney's State Papers, fol. ed. 1746, vol. II. p. 394, & ſeq. 446, 451.

FROM the circumſtances that have been mentioned it is eaſy to gather what were the true reaſons for Charles's obſtinate neutrality during the conteſt between the houſes of Auſtria and Bourbon, when almoſt all the other ſtates in Europe were engaged on the one ſide or the other. On this occaſion, moſt writers have complimented him with a ſagacity and diſintereſtedneſs, which make no part of his character; they have given him the merit of underſtanding the true intereſt of Europe, of foreſeeing the formidable greatneſs of the Bourbon family, and acting

Ann. 1637. by this knowledge on the ſteady principles of juſt policy. To ſuch ſuppoſitions it may be objected, that Charles's government was of a nature that obliged him to keep out of every war, but that which he was making on the Engliſh conſtitution; that the balance of power was at this time apparently in the houſe of Auſtria, a family who had in a manner deſtroyed both the civil and religious liberties of Germany; that had the king of England, by an upright government, united his ſubjects intereſt with his own, he would have been aſſiſted in a manner that would have rendered him one of the moſt conſiderable principals in the war. The houſe of Auſtria might have been deſpoiled of ſome of that power it had ſhamefully abuſed; and the Palatinate family, not the French, come in for a great part of the plunder: whereas, by permitting Lewis to become the head of the Proteſtant confederacy, one of theſe two inconveniencies were likely to follow: either the houſe of Auſtria get the better, and thus become more formidable by the contention; or be worſted, and the houſe of Bourbon acquire a great acquiſition of power.

Hacket's Life of Williams, fol. ed. Id. oct. ed. Ruſhworth. Fuller's Church Hiſt.

WILLIAMS biſhop of Lincoln, notwithſtanding many ſervile efforts to recover power and influence, continued ſtill the object of diſgrace: the implacable Laud, who had conceived an inſuperable jealouſy of his abilities, perſecuted him with repeated injuries. Buckingham's enmity and ſuſpicions have been related on the diſſolution of the aſſembly at Oxford. Williams attempted to ward off the expected blow, by putting into the King's hand the hiſtory of his conduct: That he had never ſpoken with any of the ſtirring members but with Philips,

lips, and with Wentworth for the ſervice of the duke; Ann. 1637. that he did croſs the popular way more than any of the council, in adviſing his majeſty to reſerve to himſelf the execution of laws againſt Recuſants, in poſtponing the bill againſt them, and in ſtaying the bill of tonnage and poundage, which was promoted by lord Say *; that he had offered his ſervice to his majeſty for the executing of any directions that ſhould be given to him in private; that he had waited on his majeſty and the duke ſeven times for ſuch commands, and had received none; that as the duke was endeavouring to ruin him in parliament, he could not ſtickle at that time without employment from his majeſty.

CHARLES was ſo ſatisfied with Williams's juſtifying himſelf from having any honeſt intentions, that he received him graciouſly; but Buckingham and Laud were too earneſtly intent on his ruin to ſuffer him to ſave his plumage: he was deprived of the ſeals, under pretence that they were given him by James but for the term of three years, and were deſigned by that King to be kept triennially. Williams pleaded, that he had been by his late maſter permitted to keep his office above that term, and that Charles had continued him in it without any condition or limitation of time; he deſired leave to ſpeak with the King, which was granted him, on condition that he would not preſs his majeſty to yield reaſons for removing him from the ſeals and from the council-board. In this interview he made ſeveral petitions, which the King, who wanted to get rid of him, promiſed to grant, but fell ſhort in the perfor-

* This was a bill of tonnage and poundage for a limited time, ſent up by the Commons, and rejected by the Peers.

Ann. 1637. mance; and the biſhop was farther mortified with orders to confine himſelf to his epiſcopal ſee, not to appear at the coronation, nor to attend the next parliament. In the third parliament of this reign he was called up by an expreſs direction from the houſe of Lords, and diſplayed ſuch a zeal for the court in the buſineſs of the Petition of Right, on the cenſure of the commiſſion to raiſe money, and in urging the paſſing a bill of tonnage and poundage, that he obtained a private audience with the King and duke. On ſome advice that he gave how to allay the animoſity of the Commons, it was determined that a degree of indulgence ſhould be ſhewed to the Puritans. This inflamed Laud's malice to ſuch a height, that Williams was perſecuted without ceaſing by the tools of this prelate, and at length a Star-chamber bill was drawn up againſt him, on pretence that he had betrayed the King's counſel, in telling to Sir John Lamb, Drs. Sibthorp, Burden, and Allen, four of Laud's creatures, and officers in the eccleſiaſtical courts *, that it was the royal pleaſure the Puritans ſhould be treated with ſome condeſcenſion †.

* Sir John Lamb was dean of the arches. He owed his fortune to Williams, and had by his intereſt eſcaped parliamentary cenſure. *Fuller's Church Hiſt.* B. XI. p. 155.

† The biſhop put in an anſwer that this was a conſpiracy and combination of the perſons named in the bill; *viz.* Sir John Lamb, *&c.* from an intent to advance themſelves, and hatred they bore to him for not permitting them to get money out of the King's ſubjects in Leiceſterſhire, by hauling them into their nets, *ex officio mero*, under an imaginary colour of Puritaniſm. All that made for the defendant in this anſwer was expunged by the court, on pretence that none muſt impeach the credit of the King's witneſſes, who depoſing *pro domino rege* muſt be reputed holy and ſacred in what they aver. *Fuller's Church Hiſt.* B. XI. p. 156, *& ſeq.*

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A COMMISSION was ſet on foot to enquire if he took any bribe whilſt he kept the great ſeal. The prebendaries of the church of Weſtminſter were prevailed on to prefer articles of mis-government againſt him *. A kind of bargain was carrying on, that Williams ſhould part with four thouſand pounds, his deanry, and two commendams, or pay eight thouſand pounds to the King's uſe. Laud, unwilling that he ſhould come off at ſo eaſy a rate, brought another falſe and frivolous charge into the Star-chamber againſt him, for tampering with the King's witneſſes, and ſuborning people to ſupport, by perjury, the credit of a man who was preſent when the converſation paſſed between him, Lamb, and Sibthorp, and was to give teſtimony in his favour. This ridiculous accuſation was in the caſe of a baſtard-child; an offence that could not poſſibly affect the judicial teſtimony of the offender. Though it was apparent that the proſecution was a malicious conſpiracy againſt the liberty and property of the biſhop; though it was ma- Ann. 1637.

* A very unequal tax was laid upon him in the levy of ſhip-money. When he requeſted Cottington to inform him what he ſhould do to obtain his peace, Cottington anſwered, that his majeſty did not like he ſhould be ſo near a neighbour to Whitehall—he would be better contented if he would part with his deanry; that the luſtre in which he lived, the great company which reſorted to him, and his profuſe hoſpitality, were objected; it being not the King's meaning, that one whom he had plucked down ſhould live ſo high. On condition of his obtaining peace, the following hard terms having been offered to Williams; *viz.* that he ſhould reſign the biſhopric of Lincoln, and deanry of Weſtminſter, and take a biſhopric in Ireland, he abſolutely refuſed them, ſaying, he had much ado to defend himſelf againſt Laud here; but if he was in Ireland, the earl of Strafford would cut off his head within one month. *Hacket's Life of Williams*, oct. ed. p. 184, *& ſeq.* *Clarendon's Hiſt.* vol. I. p. 274, *& ſeq.*

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Ann. 1637. naged by tools notoriouſly profligate; yet it employed the members of the Star-chamber nine days: and at laſt ſentence was given, That Williams ſhould pay ten thouſand pounds to the King; ſuffer impriſonment during pleaſure; be ſuſpended from his eccleſiaſtical function *; delivered over to the High-commiſſion court; and moreover to pay one thouſand marks to one Sir John Munſon, whom he had accuſed of mal-practices againſt him †.

* During Williams's ſuſpenſion, Laud exerciſed every kind of eccleſiaſtical juriſdiction in the dioceſe of Lincoln. He ſent a warrant to the prebendaries of the collegiate church of Weſtminſter, to act and paſs all orders during the ſuſpenſion of their dean. Theſe were to go in the dean's name. This commiſſion was deemed by the lawyers irregular and illegal. *Baker's Chronicle*, p. 457. *Whitlock*, p. 25.

† The plague having broke out in London, and all proceſſes at law ſuſpended, by a proclamation, till Hilary-term, the biſhop claimed the privilege that his cauſe might be deferred till then. The lord-keeper Coventry told him, that the proclamation was clear on his ſide, but he had ſpecial directions that he ſhould have no benefit of it.

Before the members of the Star-chamber ſat in judgment on this cauſe, they debated in another room concerning the puniſhment they ſhould inflict on Williams; and it was with ſome difficulty that the more moderate members, who feared the buſtle that ſuch a buſineſs would make, prevented his being degraded, with a view of inflicting on him corporal puniſhments, whipping, branding, cropping ears, and the pillory. Finch and Windebank, two of Laud's moſt devoted tools, declared that if others would have concurred, they would have laid ſome ignominy on Williams's perſon. Laud's malice got the better of his zeal for the dignity of biſhops: he not only endeavoured to inflict on Williams this baſe puniſhment, but juſtified his inſtrument, Kilvert, in publicly affronting him in the groſſeſt manner. Finch, to whom Lincoln had formerly been very friendly, altered a certificate which he and ſome of his fellow-judges had ſigned in his behalf: on being queſtioned for this, he anſwered, that he had been ſoundly chidden by his majeſty, and would not deſtroy himſelf for any man's ſake. In this trial Finch declared, and the lord-keeper Coventry joined with him in opinion, that it was not

neceſſary

Laud made a long pedantic ſpeech on the occaſion: he Ann. 1637.
laboured to perſuade the court, that he had endeavoured on his knees, five ſeveral times, to ſerve the biſhop with the King; but that his obſtinacy in not owning his offence had defeated all applications in his favour *. He told a tedious impertinent ſtory from St. Auſtin concerning St. Cecilia's trial; inveighed bitterly againſt the ſin of perjury; ran through the whole detail of its progreſſion; ſhewed that the Holy Ghoſt had made no mention of ſuch a crime for the firſt three thouſand years of the world; that the Holy Ghoſt had refuſed to name Jezebel's falſe witneſſes, otherwiſe than under the character of men of Belial; related the determination of councils concerning the crime; inſinuated that the ſentence was a very merciful one—for the wiſeſt nations, on the like occaſions, had inflicted death; therefore, though he much compaſſionated the biſhop's fate, yet, conſidering his guilt was ſo great, he did agree with the heavieſt cenſure.

KILVERT, a profligate man, and an eſpecial inſtru- Echard, p. 462.
ment of Laud, was appointed to levy the fine. In the execution of this commiſſion he did all poſſible miſchief

neceſſary in that court to have a truth proved by two or three witneſſes: "For my part, ſaid Finch, *ſingularis teſtis* ſhall many times move and induce me verily to believe an act done, when more proofs are ſhunned." *Hacket's Life of Williams*, oct. ed. p. 189, & *ſeq.* fol. ed. part II. p. 125. *Ruſhworth*, vol. II. p. 416, & *ſeq.*

* The following paſſage, in an account of this buſineſs written to Wentworth by one of the court-paraſites, ſhews fully the ſtyle of thinking and talking of theſe contemptible beings. "The biſhop's pride and obſtinacy in not ſubmitting to the King in due time has undone him; nay, ſince his cenſure they ſay he pleads to all his friends his innocency, or elſe he is horribly belied." *Strafford's Letters*, vol. II. p. 87.

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Ann. 1637. to the property of the unfortunate priſoner: he felled his timber, killed his deer, ſold his goods for a twentieth part of what they coſt. The biſhop's benefices, lands, and leaſes, were offered to be rented at four thouſand five hundred pounds a-year, with ſufficient ſecurity to pay the King. Kilvert brought a letter from ſecretary Windebank, to direct the jury to receive no evidence againſt the King's profit, but to find the particulars at half the rate, or leſs: the jury obeyed the direction, and Kilvert and his gang lived upon the eſtate, and collected the rents at their pleaſure. Under all theſe mortifications, Lincoln not ſubmitting to certain propoſitions, Laud raiſed another proſecution againſt him, for licenſing a book called "The Holy-Table Name and Thing," of which he was the ſuppoſed author. Whilſt in priſon, a third information was lodged againſt him in the Star-chamber, on the ſhameful pretence of having concealed a letter written by one Oſbaldiſtone a ſchool-maſter, in which mention was made of "a little great man, a little urchin." This letter had been ſeized among Lincoln's furniture and books; and, by inferences and conſtructions, the epithets in it were applied to Laud. Williams was tried for entering into a conſpiracy with Oſbaldiſtone to contrive and divulge ſcandalous libels againſt the archbiſhop and the ſtate. Notwithſtanding it was pleaded, that the evidences that appeared againſt him were his own ſervants; that they had been lately cenſured for tampering with witneſſes, and were perſons expecting the mercy of the court *; and moreover, that the witneſs Walker, Lincoln's ſecretary, had commiſſion to open

* They had been all cenſured; but their fines were commuted into offices of ſerving as witneſſes againſt Williams. *Echard*, p. 462.

his

his letters in his abſence, and if thoſe letters were found at his houſe they were laid up and concealed by the ſaid Walker *; yet he was ſentenced to pay five thouſand pounds to the King, and three thouſand to the prelate. Oſbaldiſtone to pay five thouſand pounds to the King, and five thouſand to the archbiſhop, and to ſtand with his ears nailed to the pillory in Dean's-Yard, before his own ſchool †. In the ſpeeches that each member made in paſſing this ſcandalous ſentence, they took an occaſion to run out in encomiums upon Laud. The earl of Dorſet reviled Oſbaldiſtone, who was a man of great eminence in his profeſſion, in the ſame low ſtyle as he had before uſed to Prynne. Juſtice Brampton ſaid, that he ſhould Ann. 1637.

* The ſubſtance of the biſhop's defence was denying the fact. Banks the attorney-general obſerved, that from this circumſtance he was guilty of perjury, and that perjury was puniſhable in that court, though not charged in the information. In the courſe of this trial, this ſervile and iniquitous doctrine was highly aſſerted, that if a libel was concealed concerning a private perſon, it was no offence; but if it concerned a public officer, the concealer to be puniſhed as a libeller. After Lincoln was ſuſpended by the High-commiſſion, he was twice examined in the Tower by two biſhops and three doctors, on articles that took up twenty-four ſheets of paper written on both ſides. They were all of them of the following ſort: Whether all books licenſed by his grace of Canterbury's chaplain, as Manwaring's Sermons, *&c.* were not to be preſumed by all true ſubjects to be orthodox, and agreeable to ſound religion; concerning biſhop Williams having ſaid, that all fleſh in England had corrupted their ways; that he had called a book entitled "A Coal from the Altar," a pamphlet, *&c.* Though Lincoln gave very wary anſwers to every one of the articles, yet on theſe examinations he was repreſented to the King as much diſaffected to the preſent government. *Ruſhworth*, vol. II. p. 803, *& ſeq. Fuller's Church Hiſt.* book XI. p. 159.

† He ſaved his ears by abſconding, and keeping himſelf concealed.

Ann. 1637. not ſtand upon the validity of the witneſſes, for he was convinced that Lincoln was guilty. And the lord-keeper obſerved, that Lincoln had been thrice examined upon the letter, which was a ſhrewd argument to him that he knew there was ſcandalous matter contained in it *.

THESE unjuſt proſecutions carried on againſt this biſhop, notorious in their nature, were particularly the object of public attention and reſentment, from that quick ſenſibility which was at this time among the people, proceeding from the government having irritated them without ceaſing, not only by tyrannical acts, ſubverſive of the conſtitution, but by barbarous violations of all laws, human and divine. It was for this reaſon that Lincoln met with great pity from the populace, who thronged every day to the court of Star-chamber to attend his trial.

Proſecution of Burton, Baſtwick, and Prynne.

IMMEDIATELY before this biſhop was brought on the ſtage, their attention had been riveted on an object of a yet more intereſting nature. Burton a divine, Baſtwick a phyſician, and Prynne, the ſame lawyer who had already been ſo cruelly handled in the Star-chamber, provoked anew the furious Laud, by ſeveral publications againſt the *jus divinum* of biſhops. Theſe books, though they contained diſagreeable truths, yet they were written in ſo fanatic and diffuſive a ſtyle, that nothing but the extreme ſcarcity of performances on this ſide of the queſ-

Prynne againſt Prelates. Fuller's Church Hiſt. Ruſhworth.

* Finch and Windebank voted, that the biſhop's fine ſhould be ten thouſand pounds. *Ruſhworth*, vol. II. p. 811.

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tion, occaſioned by the reſtraint on the preſs, with the averſion the public had to the preſent pretenſions of the church, could have procured them a tolerable reception. Dr. Baſtwick, for publiſhing a work entitled, *Flagellum Pontificis & Epiſcoporum Latialium*, had his houſe ranſacked by a purſuivant, all his books and papers carried off, himſelf accuſed in the High-commiſſion court, there fined one thouſand pounds, excommunicated, debarred from the practice of phyſic, his books ordered to be burnt, and his body impriſoned till he ſhould make recantation. Whilſt under confinement, he wrote another book, taxing the proceedings of the High-commiſſion court. Mr. Burton had not only publiſhed ſeveral books offenſive to the hierarchy, but had preached a ſermon on the fifth of November, in which he pointed out many innovations in the forms of the Engliſh worſhip *. Prynne, though in priſon, had again employed his pen on the ſame ſubject. Theſe men Laud brought into the Star-chamber †. The delinquents finding that the terrors of the court had made their counſel ſhy, they petitioned that they might ſign their anſwers themſelves ‡. This Ann. 1637.

* The following are ſome of the innovations with which he taxed the prelates, in a book entitled, "News from Ipſwich:" That divine ſervice on the faſt-days was enjoined to be without ſermons; that Wedneſdays were appointed for faſt-days, on purpoſe to ſuppreſs the lectures which were read on thoſe days; the changing the word "*in*" for "*at* the name of Jeſus every knee ſhall bow." *State Trials*, vol. I. p. 466, *& ſeq.*

† A large number of Burton's pariſhioners having ſent a petition to the King to intreat for his pardon and liberty, the two people that carried it were committed to priſon. *Strafford's Letters*, vol. II. p. 57.

‡ Prynne pleaded, that it was impoſſible for him to put in an anſwer at the time appointed by the court: for that in order to diſable him

Ann. 1637. requeſt being denied, they with great ſpirit put in a croſs-bill againſt the prelates, charging them with uſurping upon the prerogative-royal with innovations; and ſet forth the ſubſtance of their anſwers *. The court of

him in the proſecution of his cauſe, his friends were reſtrained from him; he was prohibited acceſs to his counſel; debarred the uſe of pen, ink, and paper; and moreover, his ſervant, who ſhould ſolicit his buſineſs, and help to copy and engroſs his anſwer, was by Laud's direction detained a cloſe priſoner in a meſſenger's hands. On the receipt of this petition, counſel was ordered to repair to Mr. Prynne; but when his anſwer was drawn up, it yet remained unſigned, for that his counſel Holt was forbid to put his name to it. Moreover, Gardiner a clerk belonging to the Tower, for writing the petition, was by a warrant from the archbiſhop apprehended by a purſuivant, and kept a priſoner fourteen days. *Prynne againſt Prelates*, 4to ed. 1641, p. 29, *& ſeq.*

* On this unexpected exertion, Laud obtained the following certificate from the juſtices of the court of King's-Bench, Common Pleas, and the barons of the Exchequer: "That proceſs may iſſue out of the eccleſiaſtical courts in the name of the biſhops; that a patent under the great ſeal is not neceſſary for the keeping the ſaid courts, or the enabling of citations, ſuſpenſions, excommunications, or other cenſures of the church; and that it is not neceſſary that proceſſes eccleſiaſtical in the ſaid court, or corrections of eccleſiaſtical offences, be in the King's name, or with the ſtyle of the King, or under the King's ſeal, or that their ſeals of office have on them the King's arms; and that the ſtatute of 1 Ed. VI. cap. 2. which enacted the contrary, is not now in force. We are alſo of opinion, that the biſhops, archdeacons, and other eccleſiaſtical perſons, may keep their viſitations as uſually they have done, without commiſſion under the great ſeal of England ſo to do." This certificate was by the King's directions enrolled in the courts of Exchequer, King's-Bench, and Common-Pleas, and regiſtered in the courts of High-commiſſion and Star-chamber. Moreover, a proclamation was iſſued to ſtop the mouths of all unquiet perſons, that they ſhould not for the future preſume to cenſure his majeſty's eccleſiaſtical courts in their juſt and warranted proceedings.—— Charles, who was ſo tenacious of power, thus diſclaiming a prerogative

Star-chamber refuſed to receive the croſs-bill againſt the biſhops *. Mr. Burton got one Holt a lawyer to draw and ſign his anſwer. Finch told Holt, that he deſerved to have his gown pulled over his ears for drawing it †. All the anſwer was expunged, excepting the plea of Not Guilty. Burton refuſing to be examined, unleſs his anſwer was admitted; the court ordered the matter of the information to be taken againſt him *pro confeſſo*, rejected the anſwers of his co-defendants becauſe they could not get lawyers to ſign them in proper time, and proceeded to paſs ſentence. The three priſoners were condemned to loſe their ears in the palace-yard of Weſtminſter; to be fined five thouſand pounds a-piece to the King's uſe; to perpetual impriſonment in three remote places of the kingdom, namely, the caſtles of Carnarvon, Cornwall, and Lancaſter ‡. Finch added to Mr. Prynne's cenſure, Ann. 1637. The ſentence paſſed on them.

tive allowed him by the major part of his ſubjects, is a very remarkable inſtance of the potent influence theſe prelates, by flattery and cant, had gained over his vain and ſuperſtitious mind. *Rymer's Fœdera*, vol. XX. p. 144, 156, 168.

* It was committed to the judges to give their opinions, whether the three complainants might not be tried in the King's-Bench for their lives for ſedition? But the judges reſolved that they could not, becauſe the bill was tendered in a legal way, and might not in point of law be refuſed; the King's courts of juſtice being open indifferently to all his ſubjects to ſue and be ſued. *Prynne againſt Prelates*, p. 20.

† Mr. St. John of Lincoln's-Inn, upon a ſuſpicion that he had an hand in drawing Burton's anſwer, had his ſtudy ſearched, and all his papers carried off. *Strafford's Letters*, vol. II. p. 85.

‡ The priſoners attempted to ſpeak for themſelves, but were commanded ſilence. Prynne endeavoured to expoſtulate on his caſe, that it was not in his power to compel his counſel to ſign his anſwer, when they refuſed. The following dialogue, which paſſed in the Star-chamber,

Ann. 1637. that he ſhould be branded in each cheek with S. L. for a ſeditious libeller. To this the whole court agreed. Laud made a long ſpeech to excuſe himſelf and brother-prelates from the charge of introducing innovations; aſſerted that the King was the perſon principally abuſed by the adverſe party; he ſhewed, that zeal without knowledge was a dangerous quality, himſelf breathing out with ardor an enthuſiaſtic attachment to all the trifling ceremonies he had with ſuch an indiſcreet rigor exacted; he railed with the utmoſt gall and bitterneſs againſt the unhappy priſoners, whilſt he magnified his own religious patience in bearing injuries; laſtly, he fell upon the book ſuppoſed to have been publiſhed by the biſhop of Lincoln, and ſaid that the author had abuſed both himſelf and his readers; and ended his ſpeech with giving the court thanks for their cenſure on the three priſoners *.

ber, is another curious ſpecimen of the behaviour of the officers of law and ſtate in this reign: The firſt time that Finch fixed his eyes on Prynne he ſaid, "I thought Mr. Prynne had had no ears; but it ſeems he has ears, and ſomething elſe." Mr. Prynne ſaid, "My lords, there is never a one of your honours but would be ſorry to have your ears as mine are." "In good faith, ſaid the lord keeper, he is ſomewhat ſaucy." "I hope your honours will not be offended, replied Mr. Prynne: Pray God give you ears to hear." On this trial the biſhops declared in open court, that they held their juriſdiction from God only. *State Trials*, vol I. p. 461. *Whitlock*, p. 22.

* This ſpeech of Laud's pleaſed Charles ſo much that he ordered it to be printed and publiſhed. The archbiſhop prefixed to it a flattering dedication to the King, in which he aſſerts, that blaſphemy againſt God, and ſlandering the footſteps of his anointed, were joined together: "For he that blaſphemes God will never ſtick at the ſlander of his prince; and he that gives himſelf the liberty to ſlander his prince will quickly aſcend the next higheſt, and blaſpheme God." He magnified the royal clemency in bringing the offenders to a court of mercy as well

THE cruel ſentence paſſed on Prynne, Burton, and Baſtwick, was yet more cruelly executed: The hangman performed his bloody office with an approved barbarity. Burton's ears were taken off ſo cloſe, that a conſiderable branch of the temporal artery was wounded, and the blood ſtreamed down the ſcaffold. Prynne's were hacked barbarouſly; he loſt a large piece of his cheek with the remainder of his ears, and the executioner applied the burning iron twice to the branding of one cheek. The patient and even magnanimous behaviour of the ſufferers heightened the pity and inclination of the people: They crouded with impatience round the ſcaffolds, and every wound given by the executioner produced an univerſal groan and lamentation. The three heroes of this tragic ſcene harangued the populace in their turns: Prynne, with ſome ſenſe and dignity, told them, that rather than have his cauſe a leading cauſe to deprive the ſubjects of their liberty, he had expoſed his perſon to be a leading example to bear that ignominious puniſhment; he proved to them the illegality of the ſentence paſſed on himſelf and fellow-ſufferers; that there was no law in the realm that authorized ſuch tyranny, the ſtatute of queen Mary limiting the puniſhment of a libeller, even of the King or queen, to a fine of one hundred pounds, and one month's impriſonment, no corporal puniſhment, unleſs the delinquent refuſes to Ann. 1637.

well as juſtice; and inſinuated, that the times demanded greater ſeverity than had been hitherto exerciſed. *Laud's Remains*, vol. II. p. 63, *& ſeq.* *State Trials.*

In the courſe of his defence he was guilty of an abſurd overſight, in alleging that the King had no enemy, when at the ſame time the ſhipwrits ſignified that the kingdom was in imminent danger.

pay

Ann. 1637. pay the fine; in the ſtatute of Elizabeth, the penalty was heightened to a fine of two hundred pounds, and three months impriſonment, but no cenſure to be paſſed unleſs it was fully proved by two witneſſes, who were to produce a certificate of their good demeanor, for the credit of the report, or elſe the crime to be confeſſed by the libeller *. In the courſe of Prynne's harangue he told the people, that the offence which himſelf and fellows had committed was the not allowing the calling of biſhops to be *jure divino*; that might he be admitted fair diſpute, he would maintain this point againſt all the prelates in the world. On this his audience gave a loud and general ſhout †. The popularity theſe three men

* From what Mr. Prynne here advances it is plain, that heavy fines, long impriſonment, and thoſe ignominious puniſhments of whipping and the pillory, for writing libels, are contrary to ſtatute-law. That they are inconſiſtent with Liberty is obvious; ſince it is incongruous to the privileges of a freeman to be ſubject to theſe ſlaviſh corrections, for other than for crimes that debaſe his nature as a man. The conſtitution of this country has never been purged from the venom with which it was infected by the erection of the Star-chamber: Its infamous doctrine and ſervile diſcipline have in many inſtances been adopted in the courts of common law.

† Laud, whilſt he was ſitting in the Star-chamber, being told of the nature of Prynne's harangue, moved, that he might be gagged, and have ſome farther cenſure laid on him. This motion the court did not contradict, but waved it by telling Laud, that it was beneath him to notice what men ſpake when they were in pain on the pillory. *Prynne againſt Prelates*, p. 44, *& ſeq.*

Of this Laud complains to his friend Wentworth in the following ſtrain: "What ſay you that Prynne and his fellows ſhould be ſuffered to talk what they pleaſed while they ſtood in the pillory, and win acclamations from the people, and have notes taken of what they ſpoke, and thoſe notes ſpread in written copies about the city? And that when they

had gained by their ſufferings was ſo formidable to Laud, Ann. 1637. that he procured an order for removing them from the deſtined places of their confinement to Guernſey, Jerſey, and Scilly *, with ſpecial directions that they ſhould be conveyed privately, and no one to come near them during their paſſage; they were forbid to have any but canonical books; reſtrained the uſe of pen, ink, and paper, and all communication whatſoever. The wives of Baſtwick and Burton were not permitted to ſet their feet on the iſlands where their huſbands were confined †.

they went out of town to their ſeveral impriſonments, there were thouſands ſuffered to be on the way to take their leave, and God knows what elſe? When any thing comes to be acted, be it but the execution of a ſentence in which lies the honour and ſafety of all juſtice, yet there is little or nothing done; nor ſhall I ever live to ſee it otherwiſe." Wentworth, whoſe malice and miſchief was at leaſt equal to Laud, returned anſwer, that the eyes of the triumvirate were not ſealed ſo cloſe as they ought to have been.

This profligate tool of power ſpit his venom on a character that had deſervedly gained the applauſe of every good and unprejudiced individual in the kingdom; this was the patriot Hampden; of whom he writes to Laud in the following ſcurrilous ſtrain: "In truth, I wiſh that Mr. Hampden, and others to his likeneſs, were well whipt into their right ſenſes. If that the rod be ſo uſed as that it ſmarts not, I am the more ſorry." *Strafford's Letters*, vol. II. p. 99, *& ſeq.* p. 119, 158.

* Prynne to the caſtle of Mont-Orgueil in the iſle of Jerſey; Burton to Caſtle-Cornet in the road of Guernſey; and Baſtwick to St. Mary's Caſtle in the Iſle of Scilly. During this their rigorous confinement, they had no allowance of diet from the crown, but were kept by the charitable contributions of their friends. About this time, Leighton was alſo removed to one of the remoteſt priſons in the kingdom. *Echard*, p. 461. *Prynne againſt Prelates. Strafford's Letters*, vol. II. p. 85.

† Laud's malice againſt theſe men carried him ſuch an abſurd length, that ſome few individuals of the town of Cheſter having viſited Prynne

Ann. 1637. Profecution of Lilbourne, Wharton, and others. Ruſhworth, vol. II. p. 463, & ſeq.

THE next victims to Laud's inſatiable rage were John Lilbourne and John Wharton, accuſed in the Star-chamber for publiſhing forbidden books. Theſe men refuſing to take an oath to anſwer interrogatories, and pleading that no Engliſhman was bound by the law to accuſe himſelf, they were condemned to be whipped, pilloried, and impriſoned. While execution was performed on Lilbourne, he harangued the populace, and declaimed againſt the tyranny of biſhops. The Star-chamber ordered him to be gagged, and added to his former puniſhment, the lying in irons, and confinement in that part of the Fleet where the baſeſt and meaneſt ſort of priſoners are uſed to be put.

in his way to Carnarvon, they were proſecuted by the High-commiſſion; their houſes broke open and ranſacked by purſuivants; fined large ſums of money; and to make public acknowledgment of their crimes in the cathedral-church and in the town-hall of Cheſter. All the lecturers and preachers in the city were enjoined, in their lectures and ſermons, to make public expreſſion of their hearty deteſtation of the offences for which the three offenders were cenſured. This order was ſo well obeyed by ſome, that the churches for many days reſounded with the moſt bitter invectives. This did not ſatisfy Laud: he deſcended to ſo mean an inſtance of malice as to perſecute a painter in Cheſter who had drawn ſeveral pictures of Prynne. All the ſaid pictures were, by a warrant from the High-commiſſion, ordered to be ſpoiled and defaced, and the frames to be publicly burnt. Prynne's ſervant, whom Laud had detained a priſoner, having been in vain attempted by promiſes and threats, and conſtantly refuſing to accuſe his maſter, was articled againſt in the High-commiſſion court; and for his refuſal to take an *ex officio* oath before ſight of the articles, the articles were taken againſt him *pro confeſſo*. He was fined one thouſand pounds to the King, condemned to pay coſts of ſuit, (though there was no proſecutor aſſigned) excommunicated, committed cloſe priſoner to the Counter, and afterwards ſent down to Weſbeck-Caſtle. *Prynne againſt Prelates*, 4to *paſſim*.

NEITHER

NEITHER women, lunatics, nor fools, eſcaped the fury of the archbiſhop's revenge and bigotry. On ſome diſagreeable news coming to court, Archibald Armſtrong, the King's jeſter, ſeeing the prelate paſs by, called out, "Whaw's feule now:" for this offence the harmleſs buffoon, who by his office had the privilege of paſſing jokes with impunity, was ordered, by a ſentence of the council, to have his coat pulled over his head, and to be diſmiſſed the King's ſervice. The lady Davies, a woman diſordered in her ſenſes, for having propheſied Laud's death, was proſecuted in the High-commiſſion court. And the lady Purbeck, Sir Edward Coke's daughter, on the ſuſpicion of having an intrigue with Sir Robert Howard, and for ſome words ſpoken in reſentment againſt Laud, was condemned to do penance bare-foot, was committed to the Gatehouſe, and for the ſpace of ſeveral years perſecuted ſo hotly by that prelate, that ſhe was obliged to conceal herſelf in different parts of the dominions, and at length made her eſcape in mens cloaths, and fled to France; where yet ſhe did not find repoſe from the malice of her enemies. Sir Robert Howard, who had been once reſcued by the parliament from an arbitrary ſeizure, was now, without any regular proceeding paſſed againſt him, committed to priſon, and there ordered to lie till he ſhould produce the perſon of the abſconded female. He was at length releaſed on his giving a bond of one thouſand pounds that he would never ſee the lady Purbeck again. The poor woman's perſecution did not ceaſe here: an expreſs meſſenger with a privy-ſeal was ſent after her, to ſummon her into England, under pain of being farther proceeded againſt.

Ann. 1637. Heylin, p. 266. Sanderſon, p. 105.

Ann. 1637. Rushworth, Appendix, vol. III. p. 65.

ONE Bowyer, who was half mad, for having ſpread a report of Laud, that he was under cenſure for correſpondency with the pope, was committed to cloſe confinement to Bridewell during life; fined three thouſand pounds; to be ſet in the pillory at Weſtminſter and Cheapſide, with a paper on his head acknowledging his offence; to be branded in the forehead with the letters L and R, and to have his ears nailed to the pillory at Reading.

Hume's Hiſt. vol. I. p. 216.

SOME young gentlemen of Lincoln's-Inn having, on a time that they were heated with wine, drank "Confuſion to the archbiſhop," the revengeful prelate cited them before the Star-chamber: they eſcaped, with difficulty, the diſcipline of this court, by ſaying, that one of the drawers, the only evidence againſt them, was miſtaken, and that they had drank "Confuſion to the archbiſhop's enemies *."

Ruſhworth, vol. II. p. 414, & ſeq.

AMONG the violations of the Petition of Right, there was at this time a complaint made, that Sir Robert Berkley had refuſed bail or releaſe upon their Habeas Corpus to Jennings, Pargiter, and Danvers, three men who had been committed by the King and council. Berkley had denied writs of Habeas Corpus to ſeveral individuals who had demanded them; and when they had been granted, he conſtantly remanded the priſoners, though they were by the law clearly bailable *. Ann. 1637.

* Before I conclude this detail of the acts of violence and tyranny committed by Laud, and through his means, I muſt remark the caſe of one Foxly, a divine, who had ſhewed himſelf zealous in the buſineſs of buying in impropriations. The houſe of this man was rifled by virtue of a general warrant to ſearch for Popiſh books and ſuſpected perſons; and himſelf, without any judicial proceeding againſt him, cloſe impriſoned twenty months, to the great damage of his health, denied the uſe of pen, ink, and paper, and the company of his wife and friends. *Prynne's Trial of Laud*, p. 387, *& ſeq.*

had

Many reſolve to leave their native country.

THE enormous, yet increaſing height of monarchical tyranny which raged at this time in England, together with the ſmall proſpect of redreſs the times promiſed, occaſioned numbers of the natives to ſell their eſtates, and to ſhip themſelves off for America, there to enjoy a Liberty loſt to the inhabitants of Great Britain †. But thoſe avowed deſtroyers of all the rights of humanity,

* The monopolies and other impoſitions of this year were, The erecting a company of maltſters and brewers, with a prohibition that none but the inhabitants of the city of London, and the out-dwellers for four miles extant, ſhould, without a licence to be had of the ſaid company, make malt or brew beer.

A ſpecial commiſſion for licenſing the keeping of hackney-coaches and horſes, granted to the marquis of Hamilton.

An office erected for the ſealing of butter, with a power to the commiſſioners to go and enter into fairs, markets, ſhops, warehouſes, ports, harbours, ſhips, veſſels, and other places whatſoever, to ſearch and diſcover butter put to ſale unbranded, or branded with any counterfeit brand.

Another commiſſion was erected for the marking of caſks, with the ſame power of entrance into ſhops, warehouſes, houſes, and cellars. *Rymer's Fœdera*, vol. XX.

† In the year 1635, the lord Say and Seal, and the lord Brook, ſent one Fenwick to prepare a retreat for them and their friends on the continent of America. In conſequence of this commiſſion, a ſmall town was built, and called by their joint names, Saybrook. *Walpole's Catalogue of Royal and Noble Authors*, ed. 1759, vol. I. p. 206.

the

Ann. 1637. the bosom-friends and ministers of Charles, unwilling that their fellow-citizens should any where possess the blessings of Freedom, prevailed with their master to issue out a proclamation, debarring the adventurers access to those uncultivated shores. Eight ships lying in the Thames, and ready to sail, were stayed by an order of the council *. Embarked in these were Sir Arthur Hazelrig, John Hampden, and Oliver Cromwell, three men of spirit, who resolved for ever to abandon a country where the laws had lost their power to protect, and fly to the other extremity of the globe, there to endure a painful solitude in wild deserts, rather than submit to a government that degraded their species beneath the condition of beasts! †

* A warrant was likewise given to the lord-admiral to remand back those ministers who had already left England without the approbation of the archbishop of Canterbury, or bishop of London.

† Laud expresses to Wentworth his surprize at this inclination, on the latter's having complained that he wanted men to complete the plantations of Ormond and Clare: "I am sorry that you want men to fill that marvellous great work for the honour and profit of the King, and security of the nation. This is the more considerable a great deal, that you should want men in Ireland, and that the while there should be here such an universal running into New-England. But thus it is, when men think nothing is their advantage but to run from government." *Strafford's Letters*, vol. II. p. 169.

CHAP.

CHAP. V.

State of religion in Scotland.——Commotions in that kingdom.——The King and the Scots prepare for war.——Conduct of the deputy of Ireland.——Arbitrary oaths imposed there and in England.——The King's forces retreat before the Scots.——Pacification.——Naval engagement in the Downs.——Dissimulation of Charles.——Scotch transactions.——Preparations for another war.——Parliament in Ireland.——Parliament in England.——Dissolution.——Acts of power.——Convocation.——Impositions.——Retreat of the English forces.——Council of peers.——Treaty of Rippon.

THE grievances under which England laboured were so oppressive, that the nation may justly be reproached for its seeming insensibility. Life, freedom of person, and possession of property, were held by a precarious tenure. The laws, disarmed of their wonted power to protect, lay prostrate at the foot of the throne, to be trampled upon with impunity: nor was the condition of any individual in the kingdom great enough to secure him from the lash of royal and ecclesiastical prerogative. Notwithstanding a servitude thus miserable and ignominious, the patriot party found it impossible to rouse the heavy multitude to action, or engage them to resist the growing evil. The patient herd yet waited their redress from parliament, though there was not at this time a prospect that the King would ever be reduced to the necessity of calling one. Not the most distant hopes of relief subsisted, when a small cloud began to rise in the North, increasing its ominous appearance, till it pro- Ann. 1637.

duced

Ann. 1637. duced a ſtorm which ſpread itſelf all over the Britiſh dominions, and at length deſcended with memorable execution on that complicated fabric of imperious power, which had many years domineered in this country.

THE Scots had a long time murmured at the innovations made by Charles and his father in their eccleſiaſtical and civil liberties: theſe murmurs, by repeated provocations, aroſe to a mutiny, and that mutiny to an avowed aſſociation to defend the conſtitution of their country againſt the dangerous invaſion of the crown. To ſhew the nature of thoſe injuries which urged this brave and ſpirited people to arm in defence of their violated rights, and thus to lead the way to Freedom and to Glory, it will be neceſſary to take the ſubject up higher than the preſent period, and ſhew the illicit ſteps of power that were taken in the preceding reign.

State of religion in Scotland.

THE government of the reformed church of Scotland was, by the ſtate of that kingdom, ſettled on the plan of the churches of Switzerland; and the preſervation of its diſcipline was committed to the care of preſbyteries, provincial and national ſynods. Nor did the prelates obtain other favour, than leave to enjoy their revenues, on the condition that they ſhould embrace the reformation, and maintain miniſters. Queen Mary, aſſiſted with the Popiſh party in the kingdom, found means to prevent the parliament from paſſing an act whereby epiſcopacy ſhould be expreſly aboliſhed. Nevertheleſs, the national ſynod, or general aſſembly, to whom from their firſt inſtitution was entruſted a great authority, ſolemnly approved of the Geneva diſcipline, and pa-

Spotſwood, p. 175.

rity among miniſters. In 1587, after many ſtruggles of the court to re-eſtabliſh epiſcopacy, and after ſome acts of parliament had been obtained in favour of biſhops, the parliament annexed to the crown all the lordſhips and baronies appertaining to archbiſhops, biſhops, abbots, &c. In 1592, all the acts in favour of prelacy were repealed, and the juriſdiction of biſhops aboliſhed. This act was confirmed in 1593; and in 1594 the authority of preſbyteries was ſolemnly acknowledged. King James, who was continually entering into projects to enlarge his power, found that epiſcopacy was a neceſſary eſtate in parliament, and carried an act in 1597, which granted the privilege of a voice to the whole church, and, under that name, to biſhops and abbots, even as in times of Popery; but this was to be no prejudice to the eſtabliſhed diſcipline and juriſdiction of the church.

Ann. 1637.

Id. p. 365. Nalſon, vol. I. p. 162, & ſeq.

To ſilence the oppoſition which this occaſioned, James called a general aſſembly, held at Montroſs in the year 1600, and preſiding himſelf, he preſſed ſo earneſtly the confirming the act which the parliament of 1597 had granted in favour of biſhops, that the aſſembly, rather than ſuffer the inconveniency of a rupture with a prince who was every day growing more powerful, complied with his requeſt, under the following conditions: "That the biſhops ſhould obtain a commiſſion from the general aſſembly, to whom they ſhould be accountable for the diſcharge of their office; that they ſhould move nothing without an expreſs order from the church, nor be ſilent when its liberties were in queſtion; that they ſhould ſubmit their conduct to the cenſure of the national ſynod, without appeal; that they ſhould not en-

Spotſwood, p. 458, & ſeq. Rapin, vol. X. p. 319, & ſeq.

Ann. 1637. deavour to enlarge their benefices, to the burden of miniſters, nor ſuffer them to go to decay, nor diſpoſe of any thing belonging to them without the conſent of the King and general aſſembly; that they ſhould exerciſe the functions of paſtors in their own congregations, be ſubject to the cenſure of their own preſbyteries, the provincial and general aſſembly, like the reſt of the miniſters that were not commiſſioned; that they ſhould uſurp no power or juriſdiction beyond others; and that they ſhould not be members of the general aſſembly, unleſs they were expreſly deputed by their preſbyteries."

WHEN James acceded to the throne of England, he acquired ſuch an additional influence over the Scotch parliament, by the emoluments he was enabled to beſtow on the individuals of that nation, that in 1606 the act of annexation was annulled; and in 1609 the authority, privileges, and juriſdiction, of prelacy were reſtored, and the biſhops took poſſeſſion of the government of the church, notwithſtanding the conditions of the Montroſs aſſembly, none of which had ever been performed by them. The general aſſembly proteſted againſt the act, and affirmed the parliament had no power, without their conſent, to reſtore a ſpiritual office which had been aboliſhed. This having a great effect upon the people, James called a general aſſembly, to be held at Glaſgow; and by the help of the biſhops, who had now a great influence in elections, he gained before-hand a majority of votes, and accordingly the corrupt aſſembly gave its voice, that the biſhops ſhould reſume their ſpiritual function, and the government of the church. In 1617, the parliament, which was now entirely at the devotion

tion of the crown, ordained that biſhops ſhould be elected Ann. 1637.
by chapters, and conſecrated by the accuſtomed rights.

AFTER epiſcopacy was thus fully reſtored, James, who had contracted an averſion for every thing that belonged to Calviniſm, and entertained a vehement deſire to introduce into Scotland the doctrine, as well as the diſcipline, of the church of England, impoſed upon that kingdom the five articles which have been mentioned in the hiſtory of his reign. The biſhops now bore an abſolute ſway in preſbyteries; and by making themſelves moderators, the general aſſembly was compoſed of deputies of their own election: this new innovation, therefore, was confirmed by one held at Perth in the year 1617 *. James, who now drove on at a furious rate, ſet up in Scotland, by his own authority, a High-commiſſion, though the Scots had never even complimented their King with being ſupreme head of the Church. If any oppoſition yet remained, it was conquered by the ſeverities which this new court of judicature exerciſed; and an aſſembly at Aberdeen agreed, that it would be proper to draw up a liturgy to be uſed in every church in Scotland.

THE paſſion James had for rooting out Calviniſm was at length diverted by an object which engaged his whole attention, the matching his ſon with a daughter of Spain; and the church of Scotland, defaced in its form,

* To render the church more at his devotion, James, when in poſſeſſion of the regal revenue of England, made an addition to the ſtipends of the miniſters; which, on their ſhewing a reluctance to comply with this innovation, was ſtopped for a whole year before this aſſembly was called. *Spotſwood*, p. 536.

Ann. 1637. and innovated in its diſcipline and faith, was ſuffered for ſome time to remain in repoſe: It was left to the more zealous and more inflexible ſon to complete what the father had left unfiniſhed.

CHARLES, when he had, as he thought, firmly eſtabliſhed an uncontroled, unlimited power over Great Britain, ſeriouſly entered into the project of bringing about in the three kingdoms a perfect conformity to that form of worſhip he deemed moſt agreeable to abſolute monarchy. We have ſeen that James, in his ſcheme of enlarging his authority, endeavoured to corrupt the democratical powers in church and ſtate, and render them the means of their own deſtruction: The more undaunted Charles kicked them out of the conſtitution, and as he had entirely diſcarded parliaments in England, ſo he never ſuffered a national ſynod to meet in Scotland.

IN the year 1633, when he returned from that kingdom, he left in charge with the biſhops there to compile a liturgy and a book of canons: Theſe were to be tranſmitted into England for Laud's approbation, who called to his aſſiſtance Juxon biſhop of London and Wren biſhop of Norwich; this laſt equalled the primate in bigotry, and in fourneſs of diſpoſition. Notwithſtanding the ſeeming triumphant ſtate of the monarch, the men of power and intereſt in Scotland did not ſo readily yield to his pretenſions as they had ſubmitted to the encroachments of his father. The ſplendor of his eſtate, at his acceſſion to the triple crown of Great Britain and Ireland, had, by its novelty and brilliancy, dazzled their eyes; the

Clarendon, vo. I. p. 83.

the abjectneſs of the Engliſh nobility had infected them with a like tinct of ſervility; the profuſion of favours which the prodigal James had laviſhed on them rendered them for ſome time blind to the concerns of their real intereſts; but many circumſtances now concurred to take away that film of venality which had ſo long obſcured their judgment. Thoſe golden dreams of continuing the ſpecial favourite of a powerful monarch, of being conſtantly fed with the riches of England, whilſt they yet enjoyed their own conſtitution, were now vaniſhed, and the diſmal proſpect ſucceeded of their country ſinking into a province to a ſtate governed by tyrannic ſway. The weight of the yoke which they had helped to fix on their own necks grew inſupportable. The biſhops, who enjoyed the largeſt ſhare of the pious King's favours, exerted their new-acquired authority with a provoking imperiouſneſs: not ſatisfied with the general High commiſſion, they produced warrants from the King for ſetting up ſuch a juriſdiction in their ſeveral dioceſes; this was put in practice by the biſhop of Galloway. They exacted a new oath of intrants, in which they were obliged to obey the articles of Perth *, and ſubmit to the deſigned liturgy and canons. They got one Learmonth, a miniſter, preſented abbot of Lindores, and entered into a project, which was countenanced by the King, to get the ſtate of abbots, with the revenue and power belonging to it, reſtored into the hands of churchmen. Not contented with ſuch a plenitude of ſpiritual juriſdiction, they voraciouſly graſped

Memoirs of the Duke of Hamilton, p. 30, & ſeq.

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* At the paſſing the articles of Perth, it had been expreſly conditioned, that none ſhould be obliged to conform to them.

the

Ann. 1637. the civil offices, which were dealt out to them with a bountiful hand by their bigoted maſter. Spotſwood archbiſhop of St. Andrew's was created chancellor, nine biſhops were privy-counſellors; they poſſeſſed places in the Exchequer, and an attempt was made to revive the firſt inſtitution of the college of juſtice, half of which were to be churchmen. Beſides theſe grievances, which were highly reſented by the Scotch nobility, the manner in which Charles had impoſed on them the law of reſumption of the crown-lands; and the law which enlarged his power in eccleſiaſtical matters, and confirmed religion in its preſent ſtate, rendered them quite deſperate. They concluded very judiciouſly, that the phyſic muſt be violent which reſtored the conſtitution to its natural health and beauty. Theſe ſentiments were concealed with the utmoſt caution; they waited with impatience the opportunity when Charles, by an act of apparent illegal power, ſhould convince the multitude that the times demanded a determined oppoſition.

THE nature of the canons and liturgy that were to be impoſed on the nation was no ſecret to them; and it is ſaid that both ſides eagerly expected their publication; the biſhops to poſſeſs an addition to their power, and the nobility and diſcontented miniſters the occaſion that ſhould provoke the already-enraged multitude to mutiny *.

So wanton were Charles and Laud in the exerciſe of their power, ſo much did they deſpiſe any ſuppoſed op-

* The extreme ſeverity with which the non conformiſts had been lately uſed in England, inflamed the averſion which the Scots had to the government of biſhops. *Larrey*, vol I. p. 336.

poſition, that the canons, which ordained a punctual compliance with the liturgy, were publiſhed a whole year before the people were ſuppoſed to know what that liturgy was. The canons themſelves were of the moſt offenſive kind, containing matters ſo ſuperſtitious and arbitrary, that they left no doubt in the minds of the people what part it behoved them to act on the introduction of the liturgy. They aſſerted, that the King's power and prerogatives were in every thing equal to thoſe of the Jewiſh kings, abſolute and unlimited. They ordained, that no eccleſiaſtic ſhould become bound for any man; that no aſſembly of the clergy ſhould be called but by the King only; that eccleſiaſtical perſons, dying without heirs of their body, ſhould leave a good part of their eſtate to the church, and tho' they ſhould have children, yet to leave ſome to the church; that the clergy ſhould have no private meetings for expounding the ſcriptures; that they ſhould not pray extempore, but be obliged to pray by the printed form preſcribed in the liturgy; that whoſoever ſhould affirm that the form of worſhip inſerted in the Book of Common-Prayer, and Adminiſtration of the Sacraments, did contain any thing repugnant to the ſcriptures, or were corrupt, ſuperſtitious, or unlawful, in the ſervice and worſhip of God, ſhould be excommunicated, and not be reſtored but by the biſhop of the place, or archbiſhop of the province, after his repentance and public revocation of that wicked error; that no one ſhould teach ſchool without a licence from the biſhop of the dioceſe; that neither excommunication ſhould be pronounced, or abſolution given, but by approbation of the biſhop; that preſbyters ſhould not reveal what they received in confeſſion, except their Ann. 1637.

Ann. 1637. lives became forfeited by concealment; that no perſon ſhould be admitted in holy orders, or perform any eccleſiaſtical function, without firſt ſubſcribing theſe canons.

NOTWITHSTANDING the effect that this publication muſt have on a people averſe to ſlavery, and who abhorred the moſt diſtant approach towards Popery, yet ſuch was the excellent order in which the multitude were kept by thoſe who guided the popular counſels, that nothing like a mutinous ſpirit appeared in the nation for the whole year that theſe were promulged before the reading of the liturgy. The general diſquiet was vented in ſuch low murmurs, that the biſhops exulted in a fancied ſecurity that the royal commands would meet with an obſequious obedience. The liturgy intended to be impoſed on Scotland was copied from that of England, except ſome alterations which ſeemed to approach nearer the doctrine of tranſubſtantiation *.

* One of the alterations was in the conſecrating prayer. "Sanctify by thy word and ſpirit theſe creatures of bread and wine, that they may be to us the body and blood of thy beloved ſon." One of the reaſons which Charles, in a declaration, gave for theſe alterations, was, that the Roman party might not upbraid us with any material difference in our liturgy. Mad Motteville, a domeſtic of Ann of Auſtria, in her Memoirs of that Princeſs's Life, ſays, That Charles put the ſervice-book into his queen's hand, telling her, he would have her peruſe it, that ſhe might ſee how near they came to the faith. Guthrie the hiſtorian obſerves, that Laud had a view to farther refinements in the Engliſh liturgy, in compiling a new one for Scotland, which had in it, both in the doctrinal and exterior part, more of Popery than that which was at this time obſerved in England. *May's Hiſtory of the Parliament of England*, fol. ed. 1647, p. 31, *& ſeq.* *Fuller's Church Hiſt.* book XI. p. 160, *& ſeq.* *Guthrie's General Hiſt. of England*, vol. III. p. 935.

ON the ſixteenth of July 1637, the miniſters in Edin- Ann. 1637.
burgh intimated from their pulpits, that the next ſabbath the new ſervice-book would be read in all the churches: This intelligence was received by their ſeveral congregations with an apparent compoſure; and, on the appointed day, the biſhop of Edinburgh came in great ſtate from Holyrood-houſe to aſſiſt at St. Giles's, the cathedral-church of the city. No ſooner was the fatal book opened, and the dean arrayed in his ſurplice began to read, than the multitude raiſed a frightful outcry, clapping their hands and exclaiming, "A pope! a pope! antichriſt! ſtone him! ſtone him!" The biſhop then mounted the pulpit, and prepared to reprove the people; but an old woman flinging a ſtool at his head, he quickly retreated from that place of eminence *. Spotſwood the chancellor commanded the provoſt, and the other magiſtrates of the city, to ſuppreſs the diſorders: They turned the moſt clamorous of the multitude out of the church, and the dean proceeded to read the liturgy. He was not at all attended to by the remaining congregation; and thoſe that were without broke the windows, and continued to pelt the reverend paſtors with ſtones and dirt: It was not without difficulty that the biſhop got home in a whole ſkin. Commotions in that kingdom.

IN this firſt onſet there appeared no actors but of the lower ſort of people †. Traquaire the treaſurer, who had been the only layman conſulted in thoſe matters, in his

* Biſhop Guthry ſays, that it was concerted among Alexander Henderſon and other miniſters, that the women ſhould begin the tumult. *Guth. Memoirs*, p. 20, *& ſeq.*

† The populace were wittily compared to Balaam's aſs, whoſe mouth the Lord had opened. *Smollett's Complete Hiſt.* vol. VII. p. 148.

Ann. 1637. diſpatches to the court, laid great blame on the biſhops for the violence and forwardneſs of their conduct, and ſeemed to inſinuate, that the King's commands might, with a more circumſpect carriage in the prelates, be eaſily accompliſhed, without farther reſiſtance. At the deſire of the magiſtrates of Edinburgh, the council interdicted the reading the liturgy till the people ſhould be more diſpoſed to receive it; and all things continued in a ſtate of quietneſs for ſome time: But on the ſeventeenth of October, when the harveſt was over, people from all parts of the country flocked to the metropolis to petition againſt the ſervice-book; and now the men of rank and property avowed their diſcontent. Mr. Alexander Henderſon and Mr. James Bruce, two miniſters who had been charged to read the liturgy under pain of horning, ſupplicated the council for a ſuſpenſion of their charge, pleading, that in matters of God's worſhip they were not bound to a blind obedience; and that the reformation of religion was, by the independent conſtitution of the church of Scotland, left to the care of general aſſemblies. The council, to the great mortification of the biſhops, diſmiſſed the miniſters without any marks of diſpleaſure, and moreover promiſed to refer their petition to the King. In vain did the council iſſue out proclamations to diſperſe the multitude: They beſet the council-houſe, and threatened to kill all within, unleſs they engaged to join in oppoſition to the ſervice-book, and to reſtore to their pulpits three ſilenced miniſters, Ramſay, Rollock, and Henderſon.

These tumults were ſucceeded by an orderly deputation of commiſſioners to preſent two petitions to the

council againſt the ſervice-book and book of canons; Ann. 1637.
one from the men, women, children, and ſervants in Edinburgh, and the other in the name of the noblemen, gentry, miniſters, and burgeſſes. Charles was little inclined to give ſatisfactory anſwers to the petitioners, the moſt forward of which he was determined to puniſh ſeverely. He commanded the privy-council to put out a proclamation, avowing a deteſtation of Popery and ſuperſtition, and that nothing ſhould be allowed within his dominions but what tended to the advancement of true religion, as at preſent profeſſed; nor was any thing intended againſt the laudable laws of that kingdom. This was little calculated to appeaſe the growing diſcontent, ſince "religion at preſent profeſſed" contained the hierarchy; and every body knew that the King underſtood that the laws of the kingdom gave him a power to impoſe on his ſubjects what alteration in the forms of religion he pleaſed. The earl of Traquaire went to London to lay the ſtate of affairs fully before the King, and to endeavour to make him deſiſt from his attempt.

In every circumſtance of this national diſcontent ſymptoms had appeared which threatened a dangerous inſurrection; yet was the King inflexible; no arguments could prevail on him to give his people aſſurances that they ſhould not be preſſed to conform to any farther innovations in matters of religion. All that he could be brought to was, to iſſue a proclamation, in which he Ann. 1638.
pardoned all paſt offences; but forbad them to aſſemble again on pain of high-treaſon; and that no perſon ſhould preſume to approach Stirling, whither the council was removed, without permiſſion. He commanded all no-

Ann. 1638. blemen, gentlemen, and others, not belonging to the council or court of juſtice, to quit that town in ſix hours, otherwiſe they ſhould be declared traitors. The day after publiſhing this proclamation at Stirling, the earls of Home and Lindſey read a proteſtation, in the name of the people againſt it: This was afterwards repeated at Lithgow and Edinburgh. From this criſis the oppoſition carried a very formidable appearance. The mutineers became ſo enraged, that they talked of putting the chancellor (Spotſwood) to death, a fate which had attended Hamilton, one of his predeceſſors in the archiepiſcopal ſee of St. Andrew's. Spotſwood was ſuſpected of Popery *, and was deteſted on the account of the officious part he had acted in the proſecution of the earl of Balmerino.

THE multitude were diverted from an attempt on his life by their leaders; and an excellent order ſucceeded, the party forming themſelves into four tables: One conſiſted of nobility, another of gentry, a third of burgeſſes, and a fourth of miniſters. The table of gentry was divided into ſubordinate ones, according to their ſeveral counties. Each table conſulted on matters to be propoſed to a general table, compoſed of commiſſioners choſen from the other four. Orders were iſſued out from this, which were every where obeyed with the utmoſt punctuality. A ſolemn league and covenant was the firſt act that this admirable ſyſtem produced: It was ſworn to with the utmoſt alacrity by the whole party; and con-

* He had been formerly proſecuted for having been openly at maſs in France. *Oldmixon*, p. 117.

ſiſted, firſt, of a renunciation of Popery, formerly ſigned Ann. 1638.
by James in his youth; to this was annexed a bond of union, by which the ſubſcribers obliged themſelves to reſiſt innovations in religion, and to defend each other againſt all oppoſition. Zeal was expreſſed for the King's perſon and government; but this was conditional, it being always joined with the maintenance of the true religion of the church of Scotland. There could not, therefore, be a more politic machine invented to unite people of every kind of diſpoſition; all ranks, all ages, and ſexes, flocked to ſubſcribe; the King's miniſters and counſellors followed the example; and none but the confirmed tools of the court, or men infected with Popery, withdrew themſelves from what was eſteemed ſo ſalutary, and ſo pious a combination.

SCOTLAND now grew too hot for the prelates. The hated biſhop of Galloway had been purſued with execrations, and obliged to take ſhelter in the council-room. The archbiſhop of St. Andrew's had a very narrow eſcape at Stirling. They fled in a body to London, from the fury of the covenanters; and Charles, who looked upon no ſin to be equal to that of diſobedience to monarchs, was ſurpriſed at the increaſe of power and influence which the party in oppoſition had gained. He began to apprehend the conſequences; and ſent the marquis of Hamilton as his commiſſioner to treat with the covenanters: The covenant was required to be renounced; and he thought he made very conſiderable conceſſions, when he offered to ſuſpend the canons and liturgy till, in a fair and legal way, they could be received; and ſo

Ann. 1638. to model the High-commiſſion that it ſhould no longer be a juſt grievance.

It is a queſtion whether ſuch general declarations would ever have given content; but in the preſent circumſtances they were treated with the utmoſt contempt. Hamilton, in an anſwer to the King's demands, was told, that they would ſooner renounce their baptiſm than the covenant; and he was invited by the miniſters to ſubſcribe it: They had taken care that the commiſſioner ſhould not be in a ſituation to give himſelf airs of authority, for his vaſſals were forbid to attend him during his ſtay in Scotland; and having been invited to reſide at Holyrood-houſe, the chief covenanters met him with ſixty thouſand followers in their train * He was told by the earl of Lindſey, that the people inſiſted on having the articles of Perth annulled, epiſcopal authority aboliſhed, and that if a free general aſſembly and parliament were not called by the King, they would call one themſelves. In the mean time they had not been idle: Two large ſhips came loaden into their ports with arms and ammunition; by a decree of the tables, the keys of the city were taken from the magiſtrates of Edinburgh; a guard of fifteen hundred men ſet upon its avenues, and another ſtrong guard prevented the reinforcing the caſtle. When Hamilton talked over the ſtate of affairs with the council, he found that if he proceeded to any meaſures that were diſagreeable, he would not only be affronted in the exerciſe of his authority, but be deſerted by the majority of the council: He endeavoured to prevail on the eminent lawyers and judges of the ſeſſion to declare the covenant unlawful; but they excuſed themſelves, on pretence that they feared the reſentment of the people.

* The covenanters ſent Hamilton a prohibition againſt reading the ſervice-book in the King's chapel. *A Short View of the Troubles of England, by Sir William Dugdale*, fol. ed. 1681. p. 47.

Ann. 1638.

In this ſituation he found himſelf obliged to ſuppreſs, in a declaration he had brought down with him, that part which required the ſubjects to renounce the covenant; as this declaration ſtill ran on the general expreſſions of the King's averſion to Popery, and his ſteadineſs in the true religion, promiſing nothing more than what had been already tendered. It was met by a very ſenſible proteſtation, which avowed, that they never doubted his majeſty's orthodoxy, and therefore deſired to inform him how far the innovations, which the enemies of their religion attempted to introduce, were full of Popiſh errors; and farther complained, that his majeſty's proclamation took no notice of their ſupplications and juſt grievances, but under the name of the great increaſe of diſorders, faults, and miſdemeanors *.

* This declaration, which gave ſo little content to the covenanters, was but a copy of Charles's countenance, till his military preparations, which he was at this time providing with great ſecrecy, were complete. He writes word to Hamilton, that he is content that he forbears inſiſting on the covenant's being given up till he hears that his fleet is ready to ſet ſail for Scotland; that he gave him leave to flatter the party with what hopes he pleaſed, provided that he did not conſent to the calling a parliament or general aſſembly till the covenant was given up; that though the ruin of his people for ſome time would be a loſs to him, yet when he conſidered that his crown and reputation were at ſtake, he had rather ſuffer the firſt, which time would help, than the laſt; and

Ann. 1638. HAMILTON's next care was to get an act ſigned by the council, approving the King's declaration, with an opinion that the people ought to reſt ſatisfied with it. This was obtained craftily, in the abſence of members who had publicly avowed their diſapprobation; but the next day, many of thoſe who had been prevailed with to ſign told him, that upon ſecond thoughts they found they had wronged their conſciences; therefore deſired he would call a new council, that they might retract what had been too haſtily determined. In vain were Hamilton's endeavours to divert this humour: He was told, that another way would be found to make the retractation known; and was at length obliged, the act not having been yet regiſtered, to tear it. According to the King's direction, the party was gratified with the bringing back the ſeſſion to Edinburgh; and the commiſſioner returned to court, leaving the covenanters in hopes that he would be back again in three weeks or a month with a favourable anſwer to their demands. He moreover made them a kind of promiſe of ſummoning, at his return, a general aſſembly; but with the following reſtrictions: That no laicks ſhould have voices in chuſing the miniſters to be ſent from the ſeveral preſbyteries to the general aſſembly, nor any but the miniſters of the ſame preſbyteries; that the aſſembly ſhould not go about to determine of things eſtabliſhed by act, or otherwiſe than by remonſtrance or petition to the parliament. The tables rejected theſe conditions; and in the abſence of the

and that he would ſooner die than yield to their impertinent and damnable demands. *Burnet's Memoirs of the Duke of Hamilton*, p. 55, *& ſeq.*

com-

commiſſioner reſolved, that a general aſſembly ſhould be Ann. 1638. held on the twenty-ſecond of September.

HAMILTON repreſented to the King, in its full light, the ſituation of his affairs in Scotland, the ſtrength and firmneſs of the covenanters; he convinced him, that he was deceived in the imagined forwardneſs of his military preparations, and that it was neceſſary to keep on the maſk of condeſcenſion till he had collected a ſufficient force to give the law to his Northern ſubjects. Hamilton's council was followed; he was again ſent down, with farther conceſſions: the diſcharge of the ſervice-book, the book of canons, and the High-commiſſion. Moreover, to break that perfect union which the covenant had effected in Scotland, and to remove the ill opinion the Scots had adopted concerning the religious ſentiments of their King, it was propoſed, that the confeſſion of faith eſtabliſhed at the Reformation ſhould be renewed, with a general bond preſcribed by the King *. This expreſſed to the ſovereign an abſolute duty, without any conditions of good government, or the weal of the church and ſtate.

IT was not without reaſon that the miniſters from the pulpits had warned the people to beware of truſting to appearances, and falling into the ſnare of the enemy; they declaimed violently againſt the new covenant, which

* This was a very mean hypocriſy in Charles, ſince this confeſſion of faith which he ſigned was not only a violent renunciation of the material part of Popery, but of the Arminian tenets, the conſecration of churches, and many other particulars which Laud had, by his approbation, introduced into the church of England.

Ann. 1638. after it had been ſigned by the council *, with an order for a general ſubſcription, was followed by a proclamation for ſummoning a general aſſembly at Glaſgow the twenty-firſt of November, and a parliament at Edinburgh the fifteenth of May the year following; the ſervice-book and canons having been previouſly diſcharged. The covenanters were ſo far from avowing themſelves ſatisfied with theſe ſeeming conceſſions, that they erected a ſcaffold under the Croſs at Edinburgh, and mounting it with their ſwords in their hands, proteſted againſt the new covenant, as a machine of ſtate, invented to deſtroy the efficacy of the old one, to entrap them into a ſelf-condemnation, as if their own ſubſcription, not urged by authority, was unlawful, and thus ſtigmatiſe the like laudable courſes in the like neceſſity to be taken by poſterity †. They affirmed, that the ſubſcription and oath attempted to be impoſed on them might conſiſt with all the corruptions which had lately crept into the church. They cavilled at the nature of the King's proclamation, which only diſpenſed with the practice of the articles of Perth, but yet declared an intention that thoſe acts of the general aſſembly and parliament which ordained them, ſhould ſtand. They objected likewiſe to the directions concerning the oath to be given to miniſters at their entry, it ſuppoſing that the office of biſhops

* It was with great difficulty that Hamilton prevailed on the council to ſign the King's covenant. *Memoirs of the D. of Hamilton*, p. 180.

† In the King's declaration, before the confeſſion and bond which was now required to be ſubſcribed, it was aſſerted, that that which had been previouſly taken muſt be null and void in itſelf, becauſe not taken by royal leave and authority. *Memoirs of the Duke of Hamilton*, p. 67, & *ſeq.*

was

was unqueſtionable; but above all, his majeſty's declar- Ann. 1638.
ing that he would admit no innovation therein; his ſummoning all prelates to be preſent at the enſuing parliament and national ſynod; his warning all archbiſhops and biſhops to be preſent, as having place and voice in that aſſembly, contrary to the caveats, acts of the church, and the declinator, which had been offered againſt them. They complained that the King, by reſtrictions, additions, and ambiguous clauſes, rendered of no effect all his conceſſions, reſerving to himſelf a liberty to maintain, at a more convenient ſeaſon, all thoſe novelties he ſeemed to depart from.

BEFORE the innovations made in the laſt reign, it had been uſual for each preſbytery to ſend to the aſſembly, beſides two or three miniſters, one lay-commiſſioner; the boroughs and univerſities ſent likewiſe commiſſioners. James, who dreaded ſuch an alloy to the corruption he had found among eccleſiaſtics, aboliſhed this inſtitution. It was now revived by the covenanters; and as the ſucceſs of their cauſe depended on the integrity of the commiſſioners, by an edict of the Tables it was ordained, that a lay-elder from each pariſh ſhould attend the preſbytery, and give his vote in the choice of commiſſioners. Every commiſſioner was allotted four or five lay-aſſeſſors, who had leave to interpoſe with their advice on the matters to be agitated in the aſſembly.

THE mal-contents having thus taken every neceſſary ſtep to render the tranſactions of this meeting agreeable to their views, on the appointed twenty-firſt of November the aſſembly met at Glaſgow; and as James, by his

Ann. 1638. corrupt management, had taken care to get every thing paſſed which he deſired, ſo the Tables now turned the tide upon the crown, and took certain means to get all thoſe pernicious tranſactions annulled. Hamilton had given Sir Thomas Hope, the King's advocate, orders to follow him to Glaſgow, and prepare himſelf to defend epiſcopacy, and prove it to be according to the laws of Scotland. This man, who, though a ſervant of the crown, was honeſt, and loved the liberties of his country, anſwered, That it was againſt his conſcience ſo to do; that he judged epiſcopacy to be contrary to the word of God, and to the laws of the church and kingdom. The lord Lorn, whoſe father, the earl of Argyll, a Roman-Catholic, being lately dead, was now at full liberty to declare his principles, avowed the cauſe of the mal-contents, and aſſiſted in the buſineſs of the aſſembly. Argyll's * example was followed by that of the lord Areſkyn, eldeſt ſon to the earl of Marr, and three more of leſs note, who deſired to be admitted to receive the covenant.

THE fate of the biſhops was the firſt thing the aſſembly decided: a charge was brought, accuſing them of perjury, in the not obſerving the cautions of the Montroſs aſſembly, to which they had ſolemnly ſworn; and likewiſe of hereſy, ſimony †, bribery, cheating, fornica-

* He came to the aſſembly in quality of aſſeſſor to the commiſſioner. *Guthrie's Memoirs*, p. 40.

† General complaints had been made of ſimoniacal pactions with the biſhops ſervants; in which practice, as they had never been reſtrained by their maſters, the crime was imputed to them. As for the other offences, it was alleged, that they had all been committed by ſome one or

tion, adultery, inceſt, ſwearing, drunkenneſs, gaming, Ann. 1638.
and breach of the ſabbath. The biſhops declined * the authority of the aſſembly, and the commiſſioner, who had orders from the King merely to ſuffer the aſſembly to meet as a literal performance of his promiſe, proteſted againſt it, as illegally conſtituted, and in the King's name diſſolved it †. This meaſure gave no diſturbance to the matters in hand; the court continued to ſit, and to finiſh their buſineſs, firſt entering a proteſtation, in which they proved, by the records of the general aſſem-

or other of the body, and therefore it might juſtly be put into a general charge, in which it was impoſſible to ſtate the particular crimes of each individual. Though the offences in point of morality which were charged againſt theſe biſhops are doubtleſs much aggravated, yet it is acknowledged by all impartial hiſtorians, that the lives of the prelates were not ſo pure as were, in theſe times, thoſe of the generality of the miniſters.

* In the biſhops' declinator, they diſclaimed the holding their calling from commiſſion by the act of the Montroſs aſſembly, but by his majeſty's conſent and approbation; that they acknowledged him only *Deo minorem*, next unto God in all cauſes, ſupreme governor over all perſons ſpiritual and temporal; that it was abſurd and contrary to the practice of all Chriſtian churches, that archbiſhops and biſhops ſhould be judged by preſbyters; that the act of parliament abrogating in eccleſiaſtical cauſes, did not infer the abrogation of that authority which they received, not from the parliament, but from Chriſt, who entruſted to them the ſpiritual overſight of the clergy under their charge, whereto belongeth the preſidentſhip of all aſſemblies for matters ſpiritual, always with due ſubmiſſion to the ſupreme governor. *Nalſon*, vol. I. p. 109, & *ſeq.*

† The King having appointed ſix privy-counſellors to be aſſeſſors to his commiſſioner, the aſſembly abſolutely refuſed to admit of their ſuffrages. At the ſame time they declared, that if the King himſelf was preſent, he ſhould have but one voice, and that no negative one. *Echard*, p. 469.

blies,

Ann. 1638. blies, and in particular by the example of one held in the year 1582, a right of ſitting notwithſtanding any command to the contrary.

THEY then proceeded to annul the acts of every aſſembly ſince the year 1605; the ſervice-book, the book of canons, the book of ordination, the High-commiſſion court, and the articles of Perth, were condemned, epiſcopacy aboliſhed, and the biſhops all depoſed and excommunicated, except four, who never having approved of the conduct of their brethren, acknowledged the authority of the aſſembly, and ſubmitted to return to the rank and calling of ordinary preſbyters. The book of canons had been pretended by the King to be no other than an abſtract of the acts of all the national ſynods; it was for this reaſon that the real acts were with great care collected by the covenanters, and produced in this aſſembly. Before the ſynod broke up, they ordained annual meetings, and appointed one to meet at Edinburgh the firſt of July 1639.

Baker's Chronicle, p. 465.

WHEN the lords of the council ſigned the King's covenant they made an act, declaring, that they ſubſcribed the confeſſion of faith according to the tenor and date of that of the ſecond of March 1580. This was not agreeable to Charles's views, who intended by the word "preſent" all thoſe novelties in religion which had been introduced by himſelf and father. The covenanters not having been able to prevent the confeſſion of faith, with the obligatory clauſe annexed to it by the King, from being ſigned by many people, laid hold on the explanation which had been made by the privy council, and de-

clared the preſent covenant to be the ſame with that which had been allowed in the year 1580 by king James, and that epiſcopacy was by the former abjured. This was proteſted againſt by Hamilton in the King's name, alleging, "That all oaths muſt be taken according to the intention of that authority which exacteth the oath; and that it was never by his majeſty intended, that epiſcopal government ſhould be abjured, or any thing elſe which was eſtabliſhed by acts of parliament or acts of the church now in force, and which were ſo at the time of the taking the oath." This was followed by a proclamation, forbidding, in very high terms, the ſubjects to pay any obedience to the dictates of the Glaſgow-aſſembly, and the preſbyteries, ſeſſions of the kirk, and miniſters, to preſume privately or publicly to authoriſe, approve, juſtify, or allow, the ſaid unlawful meeting. Ann. 1638.

IT has been alleged by many authors, that Charles's conceſſions were ſuch as ought to have ſatisfied the Scots, though that is a point that cannot be granted by any rule of good policy; yet certain it is, that the Scots knew that thoſe conceſſions were not ſincere; that he only waited the opportunity to retract them; that he had been all the time ſecretly making warlike preparations to put himſelf in a condition to puniſh the heads of the covenanters, and to ſecure himſelf from any oppoſition to his farther deſigns on their country. The earl of Argyll was a man of good ſenſe, and being well acquainted with the King's real ſentiments, knew that the future liberty of Scotland depended on the vigorous and determined conduct of the covenanters; that if the party was divided, they muſt from henceforth take the law

Ann. 1638. from Charles and his cabal. It was for this reaſon that he fell entirely in with the mal-contents, and was the foremoſt in all the ſpirited meaſures that were taken againſt the crown *.

* The buſy officious Wentworth wrote Argyll ſeveral letters of advice concerning his conduct, with many abuſive animadverſions on the carriage of the Scots, and on thoſe points of diſcipline on which they ſo rigidly inſiſted. Theſe were anſwered by the earl with great temper and prudence, giving Wentworth, at the ſame time, a check for his meddling with the conſtitution of a church and ſtate of which he was not a member, and in which he had no concern. In the firſt of Wentworth's letters he tells Argyll, that "It is his intereſt, as a nobleman, to be active in upholding the prerogatives and full dominion of the crown."

Nothing can be a ſtronger picture of the man, nor of thoſe mean principles which actuated him, than this ſentiment; his whole ambition was now centered in being the ſatellite of a tyrant: but the wiſer Argyll could not be affected by this weak argument; his juſter politics concluded, that the greater the property and the privileges of a ſubject were, the more it behoved him to keep the power of the crown in its due bounds; ſince when the prerogative of an individual is unlimited, nobles, like the meaneſt-conditioned plebeian, are liable to be inſulted and trampled on, not only by the tyrant, but by his minions: the deputy's behaviour in Ireland to many men of rank and property, was a recent example of this kind. Wentworth is very high in his anſwer to Argyll's rebuke: "His majeſty, writes he, hath by his royal proclamation declared to the whole world his own moſt excellent judgment of the fact. For my part, I ſo deeply reverence my maſter's approved wiſdom, that I ſhould condemn it in myſelf as a high preſumption, to diſcourſe any farther a queſtion reſolved by royal ſentence and authority. Thus we have been taught, and thus we practiſe; ſo as for the time to come I ſhall perfectly obey, as you are pleaſed to wiſh I ſhould, to wit, meddle little; yea in truth, not at all, with a point thus cleared; ſo as neither the diſobedience, nor yet the thought of it, by the grace of God, ſhall ever enter farther into my heart, but, quieted in myſelf, intirely and attentively execute as his majeſty ſhall ordain for me. Finally, my prayer and truſt is, that God ſhall of his grace give us a right underſtanding to pay thoſe duties to thoſe Gods on earth he hath commanded; and were there no law, yet might his majeſty's own perſonal piety perſuade us all thereunto." Theſe letters, with Argyll's anſwers, were all ſent by Wentworth to the King. *Strafford's Letters*, vol. II. p. 210, 246, 290, 299.

Ann. 1638. Both Charles and the Scots prepare for war.

THE tranſactions of the Glaſgow-aſſembly cauſed both ſides to pull off the maſk, and openly prepare to defend by arms their ſeveral pretenſions. The beginning of the year 1639 was ſpent in vigorous preparations againſt the Scots. Charles ſummoned all the Engliſh nobility to meet him at York on the firſt of April following. In this he affected the ancient manner; but in this, as in all other acts of adminiſtration, he was very defective in point of law: for the poſſeſſors of certain crown-lands lying in Northern counties were the only people obliged to furniſh troops for the Northern borders. This was not the only unpopular method taken to ſupport the deſtined war: the Papiſts ſhewed great zeal againſt the covenanters; and the queen, deſirous of ingratiating her party of Recuſants yet more into her huſband's favour, wrote circular letters to the whole body, requiring them to contribute largely towards the King's neceſſities. Her chief agent was Sir Kenelm Digby, whoſe father had been executed for the Popiſh plot. A kind of emulation appeared between the Papiſts and the Engliſh clergy, who had been ſtimulated by Laud, to out-do each other in contributions towards the war againſt the Scots *. This circumſtance helped to cool the zeal of the reſt of the

Ann. 1639.

Rapin, vol. X. p. 367.

* The civilians alſo contributed their ſhare. Laud had procured ſome privileges from the King in behalf of this body: That half of the maſters in Chancery ſhould be always civil lawyers, and that they ſhould ſerve as maſters of Requeſt.

Ann. 1639. Engliſh ſubjects, who called it " the biſhops war," and in ridicule termed Charles " the archbiſhop of Canterbury's knight."

On the fame of theſe proceedings in England, the Scots ſeized on the caſtles of Edinburgh and Dumbarton, and on the arms and ammunition they found in the King's magazines; they made levies, formed an army, and appointed Alexander Leſlie their general, an experienced officer, who had ſerved with great reputation under the king of Sweden. The care of the coaſt adjacent to Ireland was committed to the earl of Argyll*; and Aberdeen, the univerſity of which had declared for the King, to the earl of Montroſs. They fortified Leith, the ſea-port of Edinburgh: as this was a place of great conſequence, the works were carried on with rapidity; not only the inferior ſort, and thoſe who aſſiſted for pay, performed the drudgery of manual labour, but nobles, gentry, women of all ranks, laid aſide the effeminacy of their manners, and, emulating Grecian virtue, intermingled with the low herd, and carried on their ſhoulders the materials requiſite for completing the fortifications.

* The earl of Antrim, a weak, bragging man, who had married the ducheſs-dowager of Buckingham, pretended a title to part of the earl of Argyll's eſtate. Charles had the imprudence, before this nobleman had declared himſelf, to promiſe Antrim aſſiſtance in a ſcheme of invading Argyll's territories in Scotland. This ſerved no other purpoſe than to give Argyll the alarm, and furniſh him with a vindication, if he had wanted one, for the part he acted; ſince Antrim, though a grandſon of Tyrone, and one of the heads of the Popiſh party in Ireland, was, from the poverty of his circumſtances, and the weakneſs of his abilities, unable to fulfil any part of his engagements. *Straffora's Letters*, vol. II. p. 325.

The

The covenant was ſworn to by almoſt all the Scots in foreign parts, and the officers who had acquired reputation in the German war repaired home to aſſiſt their country in her preſent neceſſity. Ann. 1639.

Conduct of the deputy of Ireland.

The moſt active agent againſt this brave and determined people was the deputy of Ireland, a man who had entirely devoted himſelf to the worſt deſigns of the court, and had run lengths that no Engliſh ſubject had ever yet done without paying the forfeit of his life. He was, from theſe circumſtances, as much perſonally engaged in the quarrel as Charles himſelf. Not only the maintaining that ſtation in the government, to the precarious enjoyment of which he had ſacrificed his honour, the liberties of his country, and the liberties of his poſterity, but even the ſecurity of his life, depended on the power of his maſter. He was ſo great a dupe to his own vicious affections, and had ſo little knowledge of the diſpoſition of the Engliſh people towards the government, and their real ſentiments on the important occaſion of the intended war with Scotland, that he fancied the jealouſy which had hitherto exiſted between the two nations, and which had flamed out violently on the partiality James had ſhewn to ſome of his Scotch ſubjects, would have made the Engliſh, notwithſtanding the inſults and provocations they had received from the Stewart family, notwithſtanding the ſubjected ſtate of their once-free conſtitution and the deprivation of all their privileges and immunities, aſſiſt their King in his pretenſions on Scotland; and for the ſake of diſtreſſing a people who had never done them any injury, exalt their real enemies, fix the yoke on their own

Ann. 1639. necks, and become equal ſlaves with the people they aſſiſted to conquer. Deceived by theſe idle notions, he gave the King the moſt violent counſel, indeed ſuch as his circumſtances would not permit him to practiſe; viz. the anſwering the demands of the covenanters with a true monarchical imperiouſneſs—attaching the perſons of the preſbyters, and holding them in cloſe impriſonment; but above all, not to ſubmit to any eſſential conceſſions: "For ſhould, argued he, theſe rude ſpirits carry it thus from the King's honour to their own churliſh will, it would have a moſt fearful operation upon England; therefore God Almighty guide his majeſty's counſels and ſtrengthen his courage, for if he maſter not them, and this affair ſo much tending to the tranquility of his kingdoms, to the honour of Almighty God, I ſhall be to ſeek for any probable judgment what is next like to befal us."

Strafford's Letters, vol. II. p. 191, & ſeq.

Id. p. 250.

WHILST Wentworth thus adviſed the King to maintain to the utmoſt his aſſumed prerogatives, he was not wanting in his efforts to ſecond theſe pretenſions with a competent force. By the means of the ſtanding army, he had made himſelf abſolute maſter over Ireland, and had drawn down a body of men towards the ſea-coaſt oppoſite to Scotland, which prevented a junction between the covenanters in that country and the Scotch Preſbyterians ſettled in Ireland. By the terrors of the ſame army, he impoſed an arbitrary oath on that people; viz. "That they would maintain the King's power and authority, never take arms againſt it, nor proteſt againſt any of the royal commands, but ſubmit themſelves with all due obedience; that they would not enter into any cove-

Arbitrary oaths impoſed in Ireland and England. Id. p. 345.

covenant, oath, or bond, without his majeſty's ſovereign and regal authority; and that they renounced and abjured all covenants, oaths, and bonds whatſoever, contrary to what they had in that oath ſworn, promiſed, and profeſſed." Ann. 1639.

THE King approved highly of this act of power, and impoſed the ſame oath on the Scots reſiding in England: he found them a more refractory body, for many ſubmitted to impriſonment rather than comply with ſo illegal an injunction. Not only thoſe who did not conform to the worſhip which had been newly eſtabliſhed in Ireland were impriſoned, but the churchwardens were perſecuted for not impeaching their fellow-pariſhioners *. A well-appointed regiment of five hundred men was ſent from that country to garriſon the town of Carliſle. He had provided three hundred men for the relief of the caſtle of Dumbarton, furniſhed the magazines with arms and ammunition for eleven thouſand men, and by the vaſt increaſe of the King's revenue was enabled to tranſmit thirty thouſand pounds in money, with large quantities of proviſions for victualling the frontier-towns. Beſides this, a thouſand troops were raiſed in Ireland, and tranſported over to join the King's troops in the North. The lords lieutenants of the ſeveral counties received orders for levying

Id. p. 298.

* Archibald Adair, a Scotchman, biſhop of Killala, for having refuſed to prefer one Corbet, a Scotch parſon, who had written a libel againſt his countrymen the covenanters, and for having dropped ſome ſentiments in favour of that party, was by Wentworth's directions brought by a purſuivant before the High-commiſſion court at Dublin, and ſentenced to be fined, impriſoned, and deprived. He was ſucceeded by John Maxwell, one of the moſt hot-headed of the Scotch biſhops. *Carte's Life of Ormond*, vol. I. p. 95, & *ſeq.*

foot;

Ann. 1639. foot; the trained bands were muſtered; and the officers who had gained experience in foreign ſervice were ordered home. By theſe methods an army was raiſed, conſiſting of ſix thouſand horſe and twenty thouſand foot, beſides a ſquadron of ſhips with five thouſand men on board, under the command of the marquis of Hamilton, who was to land in the Frith of Edinburgh, and endeavour to join the marquis of Huntley, a noted Papiſt, and a great partiſan of the royal cauſe, to whom, with other noblemen, commiſſions had been ſent impowering them to raiſe men for the King; whilſt the fleet, under the command of the earl of Northumberland, was to ſtop the trade of the Scots, and make a diverſion for guarding the coaſt. The earl of Arundel, a man thought to be very inveterate againſt the Scots, and ſuſpected of Popery, was for theſe reaſons, notwithſtanding his total ignorance of military affairs, appointed general of the army. The generalſhip of the horſe was taken from the earl of Eſſex, to his great diſcontent, and, through the intereſt of the queen, given to the earl of Holland. Eſſex was made lieutenant general of the army *. Notwithſtanding the neceſſary prepara-

* Notwithſtanding the enormous ſums of money which the King had by various means extorted from his people, yet ſuch was his diſſipation, that he had at this time no proviſion of money to ſupport a war: This appears by the following paſſage in a letter of the earl of Northumberland to the deputy of Ireland. "The martial preparations here have made a great noiſe; but I aſſure your lordſhip, we are in as ill a poſture to invade others as we were a twelvemonth ſince. The diſcontents at home do rather increaſe than leſſen. The King's coffers were never emptier than they are at this time; and to us that have the honour to be near about him, no way is yet known how he will find means either to maintain or begin a war, without the help of his people."

tions which had been made by the covenanters to de- Ann. 1639.
fend their Liberty, yet they ſtill kept up appearances, and ſent a letter to the King with an account of the tranſactions of the aſſembly, accompanying it with a petition written in very ſubmiſſive terms, nevertheleſs juſtifying their proceedings; the legality of which, they ſaid, would appear in the enſuing parliament. At the ſame time they complained, that their enemies, with an intention to ruin them, had ſpread reports, that they deſigned to invade England.

The King publiſhed two declarations, containing a full narrative of the riſe and progreſs of the tumults in the North; but as they contained high encomiums of the diſcipline introduced into the church of England, with ſevere cenſures on the deformity of the Scotch worſhip, aſſertions againſt the covenanters, with a juſtification of the royal conduct, but without bringing any proof that it was conformable to the laws of Scotland, they could only convince thoſe who, like Charles, were bigoted to Laud's new model of church diſcipline, and who believed, with their prince, that infallibility was attached to ſovereignty. At the end of the declaration *,

people." Northumberland, in a letter to his brother-in-law the earl of Leiceſter, ſays, that ſuch was the poverty of the court, that no ſervant of the King, of what condition ſoever, could get either wages or penſion paid. *Strafford's Letters*, vol. II. p. 267. *Sidney's State Papers*, vol. II. p. 636.

* One of the paragraphs in what is called the leſſer declaration is ſo true a picture of Charles's ſentiments concerning the ſacredneſs of his office, that it is worth inſerting. "They have treacherouſly, ſaid he, induced many of our people to ſwear to a bond againſt us; which bond and covenant, or rather conſpiracy of theirs, could not be with God, becauſe

Ann. 1639. the King endeavours to convince his Engliſh ſubjects, that the intentions of the covenanters are, under the ſpecious pretext of redreſſing religious grievances, to invade England, and enrich themſelves with the ſpoils of the inhabitants of South-Britain.

The Scots, on their ſide, diſperſed in England a great number of papers, in which they ſet forth their grievances, and the King's intentions; diſavowed having any purpoſe to moleſt the Engliſh; and intimated, that it concerned them, no leſs than themſelves, to withſtand the arbitrary power that Charles was graſping at in England as well as in Scotland. On the twenty-ſeventh of March, the King ſet out to join his troops at York, in which place he revoked ſundry monopolies, licences, and commiſſions, granted by his letters-patent *. This was

cauſe againſt us, the Lord's anointed over them. But it was and is a bond and covenant pretended to be with God, that they may with the better countenance do the works of the Devil, ſuch as all treaſons and rebellions are."

* This act, intended to conciliate the minds of the exaſperated people, was a very injudicious piece of politics, as it gave the public a taſte of the advantages they received from the diſtreſſed ſituation of their King; and convinced them of the utility of keeping him in a ſtate of dependance on their good-will, ſince it was only on occaſions that he wanted the aſſiſtance of his ſubjects to maintain his power, that he could be brought to do them juſtice. The following are ſome of the monopolies and commiſſions that were called in, noted here becauſe they have not been yet mentioned in this hiſtory. A commiſſion touching ſcriveners and brokers. A commiſſion for compounding with offenders touching tobacco. A commiſſion for compounding with offenders for tranſporting of butter. A commiſſion for compounding with offenders in the importing and uſing logwood. A commiſſion to compound with ſheriffs, and ſuch as have been ſheriffs, for ſelling their

intended as a popular act, but it was followed by another that was quite the reverſe; the impoſing on all the chief officers in the army, and the nobles aſſembled in the camp, by way of teſt, an oath profeſſing loyalty and obedience to the King, and diſclaiming and renouncing the having any intelligence, or holding any correſpondence with the rebels. This oath was taken by all the Scots and others in the King's train, excepting the lord Say and the lord Brook, who had the ſpirit to refuſe it, as an unconſtitutional exaction: On this refuſal they were confined to their houſes *. Ann. 1639.

their under-ſheriffs places. A commiſſion for compounding for deſtruction of woods in iron-works. A commiſſion for concealments and encroachments within twenty miles of London. A licence to tranſport ſheep-ſkins and lamb-ſkins. A commiſſion to take men bound to dreſs no veniſon, pheaſants, or partridges, in inns, alehouſes, *&c.* A commiſſion touching the uſe of wine-caſks. A commiſſion for licenſing of brewers. A licence for the ſole tranſporting of lamperns. A grant for weighing hay and ſtraw in London and Weſtminſter, and three miles compaſs. An office of regiſter to the commiſſion for bankrupts in divers counties of the realm. An office or grant for gauging of red-herrings. An office or grant for ſealing bone-lace. A grant of privilege touching kelp and ſea-weed. An office or grant of factory for Scottiſh merchants. An office or grant for the ſearching and ſealing of foreign hops. An office or grant for the ſealing of buttons. All grants of fines, penalties, and forfeitures, before judgment granted, mentioned to be granted, by letters-patent, privy-ſeals, ſignets, ſign-manual, or otherwiſe. The ſeveral grants of incorporation made unto hatband-makers, luteſtring-makers, ſpectacle-makers, comb makers, tobacco-pipe-makers, butchers, and horners. *Ruſhworth*, vol. III. p. 915, *& ſeq.*

* The examples of the lord Say and the lord Brook occaſioned other lords, who had taken the oath, to make a proteſtation of what ſenſe they took it in. This proteſtation was ſo offenſive to the court, that the oath was not offered afterwards. *Strafford's Letters*, vol. II. p 351.

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Ann. 1639. THE Scots ſent addreſſes to the King at York, in which they deſired to be admitted to his preſence, and lay their grievances at his feet. They obeyed a proclamation publiſhed in Scotland to forbid them to approach within ten miles of the borders of England; and by this judicious behaviour, congruous to their profeſſions, they convinced the Engliſh that the quarrel was entirely the King's, and that they were called out, not to defend their own property, as the courtiers endeavoured to make them believe, but to aſſiſt a wicked adminiſtration in the moſt unjuſtifiable deſigns, againſt a people to whom they were in a manner united by the parity of circumſtances, and ſimilarity of grievances. If Charles had already claimed a ſuperiority over the laws of England, how fatally might he make thoſe pretenſions good when he had reduced Scotland to a conquered province, when he could pour forth armies of diſciplined ſlaves to feed on the paſtures of thoſe who ſhould venture to oppoſe him in the reſt of his dominions? It was in this view, and in theſe circumſtances only, that the Scots were to be dreaded by their Southern neighbours. On the contrary, whilſt they maintained a free and independent ſpirit, their generous example and aſſiſtance might encourage England to purſue the glorious track, and recover, by the way of arms, her loſt Laws and Liberties. Thus argued the chief officers in the Engliſh army.

CHARLES, who was ſanguine in all things that concerned his authority, imagined that the Scots obeyed him through fear, and detached the earl of Holland, with three thouſand foot and a thouſand horſe, to march into Scotland by the way of Kelſo; the earl of Eſſex had been

been ſent before to take poſſeſſion of Berwick. Leſley Ann. 1639.
advanced, at the head of four or five thouſand men, to meet Holland: Favoured by his ſituation, he drew up his forces in a manner that made them appear double their real nnmber, and Holland received intelligence that there were yet twenty-four thouſand behind. On this he diſpatched orders to ſtop the march of his foot; and returning back, ſpread through the whole camp the alarm of the enemies great force. On the retreat of Holland, the Scots, inſtead of advancing, modeſtly drew back, and ſent letters to each of the Engliſh generals, aſſuring them, that they had not the leaſt thoughts of entering into a war againſt England, their only intent being to defend their Rights and Liberties till they might have acceſs to his majeſty to expoſe their complaints to him. Soon after this, the Scots ſent the earl of Dumfermling with a petition to the King, entreating him to appoint commiſſioners to negociate a peace. This was ſeconded by the voluntary advice of almoſt all the nobility which ſurrounded the camp; and Charles was in a manner obliged, contrary to thoſe ſchemes of conqueſt he had projected, to enter into treaty with the Scots, and countermand the orders he had ſent to Hamilton to do what miſchief he could to the rebels *: Hamilton has been much condemned by the violent royaliſts and prelatiſts for the moderate part he acted in the execution

The King's forces retreat before the Scots.

* He wrote to Hamilton, that he muſt now keep upon the defenſive, for he was clearly and fully ſatisfied in his own judgment that what paſſed in the gallery betwixt them had been too much verified on this occaſion; *viz.* That the nobility and gentry of England would never incline to invade Scotland, and thereby begin an offenſive war. *Nalſon*, vol. I. p. 231.

Ann. 1639. of his orders againſt the Scots. This nobleman, though Charles's minion, and fattened with the oppreſſions of the people *, had not yet arrived to the profligate ſelfiſhneſs of a Wentworth. He could not look without horror on the proſpect of his country conquered by Charles, and taking the law from a triumvirate †, with whoſe arbitrary principles he was thoroughly acquainted. Full of theſe apprehenſions, he was far from being in a hurry to perform the violent commands of his maſter, and always repreſented the ſtate of the covenanters in a very formidable light; but particularly when ſent down with a force that, many authors are of opinion, might have brought the mal-contents to any terms of ſubmiſſion; it was from theſe repreſentations that he received commands not to act on the offenſive, but to amuſe the covenanters with the proſpect of a treaty, till Scotland ſhould be invaded by the King's army ‡; and it was at the time that Holland had received orders to attack the Scots, that he was commanded to commence hoſtilities. He obeyed ſo punctually the king's directions to keep on the defenſive, that the commiſſion of lieutenancy he ſent to the zealous Huntley was ſo full of theſe cautions,

* Many of the oppreſſive commiſſions, monopolies, and licences, had been granted to him.

† The King, Laud, and Wentworth.

‡ After Hamilton had entered the Frith, he received a proclamation from Charles, offering pardon to the rebels who ſhould lay down their arms, with orders to perſecute all with fire and ſword who ſhould refuſe. By Hamilton's repreſentations, theſe orders were countermanded, and directions given to keep on the defenſive till the King ſhould invade Scotland with his army. *Memoirs of the Duke of Hamilton*, p. 123.

that Huntley parleyed with the enemy, and was ſent pri- Ann. 1639.
ſoner to the caſtle of Edinburgh for refuſing to ſign the covenant.

BESIDES the compunctions which a man of any degree of virtue muſt have in Hamilton's affecting circumſtances, an intereſting occaſion excited his humane feelings. The covenanters, after the example of the Romans in the ſame exigencies, ſent Hamilton's mother to try her influence over her ſon: She was a pious woman, and a warm covenanter, and no doubt made uſe of thoſe ſtrong arguments the ſubject would admit, to make him forbear from any hoſtile attempts on his country. Whatever might be his reſolutions on entering the Frith, like Coriolanus he could not reſiſt the united ſolicitations of two parents, nor break through that double tie of filial duty with which he was bound both to his country and the fair negociator. In this ſituation of mind he received, no doubt with infinite pleaſure, Charles's orders to repair to Berwick, and aſſiſt with his advice in the intended treaty. He obeyed this command with ſuch alacrity, that the earl of Airly, and Aboyne Huntley's ſon, who had taken up arms in the North, were ſacrificed by his abrupt departure.

THE King inſiſted, before the negociation was entered on, that the proclamation, which the covenanters would not ſuffer to be read at Edinburgh, ſhould be publiſhed at the head of the Scotch army: On this punctilio being complied with, commiſſioners were named for the treaty. On the King's ſide were the earls of Arundel, Eſſex, Holland, Saliſbury, Berkſhire, and ſecretary

Ann. 1639. tary Cook; on that of the Scots, the earls of Rothes, Dumfermling, and Lowdon, Sir William Douglas the ſheriff of Teviotſdale, and two miniſters, Johnſon and Henderſon. When the commiſſioners had met in the earl of Arundel's tent, and were on the point of entering on the treaty, they were ſurpriſed with the ſudden appearance of the King, who addreſſing himſelf to the Scotch deputies, told them, that underſtanding they gave out they could not be heard, he was come to hear them in perſon. This proceeding ſhocked the commiſſioners; they concluded that the treaty was never intended by the King to be a fair one, ſince himſelf, the ſovereign of both people, and a principal party concerned, over-awed by his preſence free debate. The earl of Rothes evaded entering into particulars, and ſaid in general, that all they deſired was to be ſecured in their religion and liberties. The earl of Lowdon, younger than Rothes, and full of ardor, was entering into an harangue; but he was interrupted by Charles in the following high ſtrain: "Sir, I will not admit of any of your excuſes for your by-paſt actions; but if you come to ſue for grace, ſet down your deſires particularly in writing, and you ſhall receive your anſwer." On this, the Scotch deputies ſet down the following demands, with conſtitutional reaſons and grounds for them: "That the acts of the late aſſembly at Glaſgow ſhould be ratified in the enſuing parliament; that all matters eccleſiaſtical ſhould be determined by the aſſemblies of the kirk, and matters civil by parliament; that his majeſty's ſhips, and forces by land, be recalled; that all perſons, ſhips, and goods, arreſted, be reſtored; and that all excommunicated perſons, incendiaries, and informers againſt the kingdom, who had cauſed theſe commotions for their own private ends, might be given up, to ſuffer their deſerved cenſure and puniſhment."

Ann. 1639.

THE King was now in the utmoſt perplexity: He had gone too far to retreat without giving great diſtaſte to the Engliſh, who ſeemed extremely deſirous that the Scots ſhould be ſatisfied in all their reaſonable demands. The demands they had made he did not chuſe to grant, yet he could not deny but they were conſonant to the principles of their conſtitution. After he had publiſhed the horrible rebellion of the Scots, after having levied a powerful army and fitted out a fleet to defend England againſt their attack, theſe reputed rebels, theſe barbarous robbers and invaders, in a pacific manner fling themſelves at his feet, and implore leave to enjoy their civil and religious rights *, and that thoſe incendiaries who had endeavoured to ſet two neighbour-kingdoms, united under one ſovereign, at variance, might be tried by the laws of their country, and receive the puniſhment they deſerved. The reaſonableneſs of theſe deſires could not be diſputed; were they preremptorily refuſed, it would fully convince the public how groſly they had been abuſed by Charles's repreſentation, and that the Scots had more reaſon for their oppoſition than he choſe to allow. Hampered with theſe difficulties, he concluded a ſudden pacification, without other than general ſtipulations: Pacification.

* In the courſe of the negociation, the Scots told the King, that if he would give them leave to enjoy their religion and their laws, they would, at their own expence, tranſport their army to aſſiſt in the recovery of the Palatinate—a memorable circumſtance, unnoticed by hiſtorians. *Sidney's State Papers*, vol. II. p. 602.

That

Ann. 1639. That the King ſhould withdraw his fleet and army; the Scots diſmiſs their forces; the King's forts be reſtored to him; that there ſhould be no meetings among his ſubjects but ſuch as were warranted by act of parliament; and that a general aſſembly and parliament ſhould be immediately ſummoned to compoſe all differences.

THE King's anſwers to the demands of the Scots were ſo ambiguous and equivocal, that it appeared plainly both ſides eagerly embraced an opportunity to get out of their preſent ſituation, and avoid coming to extremities. It is not to be ſuppoſed that the Scots would have been content with general ſtipulations, had they not found the King, contrary to their expectation, accompanied with an army of twenty-two thouſand men. They had imagined that the general diſcontent of the Engliſh nation would have rendered it impoſſible for him to bring any conſiderable force againſt them: To their great aſtoniſhment they found themſelves deceived *; and moreover, their trade was entirely ſtopped by the King's fleet. In theſe circumſtances the Scotch deputies thought it expedient to accept of terms, expreſſed in a manner that would bear a very favourable interpretation for them, when a proper opportunity offered to diſcuſs the point. The King, though his army was infinitely ſuperior to that of the Scots, was not without ſuſpicions that they might have a purpoſe to betray him; if not, it was a very doubtful point whether they would venture their

* It was generally believed in England, that the nobility would have refuſed to attend the King in his expedition againſt the Scots. *Sydney's State Papers*, vol. II. p. 591.

lives

lives in his quarrel; and the loſs of a battle might be the loſs of his three kingdoms. He therefore did not heſitate to promiſe, that the Scots ſhould enjoy their religion and liberties according to the ancient laws of that kingdom, determining to conſtrue theſe terms in a ſenſe that ſhould do no injury to his pretenſions. Ann. 1639.

WHEN the deputies returned to their camp, their principals were much diſappointed to find that in the ſtipulations no mention was made of the abolition of epiſcopacy, nor acknowledgment of the Glaſgow-aſſembly. On this diſcontent, the deputies drew up a paper containing certain qualifications, which they aſſerted ought to have the force of poſitive ſtipulations. Whether theſe were inferences drawn from Charles's ambiguous expreſſions, or whether they were poſitively mentioned in the courſe of the treaty, is uncertain; ſince Clarendon, a contemporary hiſtorian, a profeſſed panegyriſt of Charles, and a violent enemy of the Scots, obſerves, that what paſſed in the treaty before ſigning the articles was verbal, very little material being committed to writing, and that no two who had been preſent agreed in the ſame relation of what was ſaid and done. The ſame author farther acknowledges, that though every body diſavowed the contents of the paper the Scots publiſhed, yet nobody would undertake to publiſh a copy in contradiction to it. Clarendon, vol. I. p. 98, & ſeq.

THE Scots, on the encouragement they had met with in their intercourſe with the Engliſh noblemen, entered a public proteſtation, that they did not intend to vacate any of the proceedings of the late general aſſem-

Ann. 1639. Sanderſon, p. 277.

aſſembly at Glaſgow, by which prelacy was aboliſhed, and the biſhops excommunicated; and declared, that the acts of the approaching ſeſſion of the college of juſtice ſhould be null, becauſe it was appointed without a legal notice, to their great prejudice. Charles's pride was hurt by not having been able to chaſtiſe the Scots, or to have reduced them to ſubmiſſive acknowledgments; and ſoon repented having concluded on terms he thought much too honourable for rebels *. Theſe reſentments, on his return to London, were much inflamed by the queen and Laud: The queen upbraided him with cowardice for having loſt the opportunity of cruſhing rebellion in its bud, and, by an example of vengeance on the Scots, deterred others from attempting to oppoſe royal authority. Laud was quite furious in

* He had determined to be preſent at the general aſſembly and parliament, which, by the terms of the pacification, were to be held in Scotland. He flattered himſelf, that the Scots would have been unable to withſtand the beams of majeſty, and that he ſhould have influence enough, by his preſence, to get epiſcopacy eſtabliſhed, and the eccleſiaſtical canons received. The conduct of the Scots, and the perſuaſions of Wentworth, made him return to London to take other counſels; Wentworth ſtill flattering him with the hopes, that England and Ireland would, if rightly managed, furniſh him with an aſſiſtance ſufficient to oblige the Scots to conform to his will. "Nothing, ſays he, ought to be yielded to them, which, by precedent, may encourage the Engliſh to conteſt your royal commands, or the laws already eſtabliſhed." He farther adviſed the King to keep ſtrong garriſons in Berwick and Carliſle, to perfect the fortifications of Leith, and if poſſible, to furniſh it with a large body of men approved for their loyalty to his ſervice. "As for myſelf, ſaid he, I ſhall uſe all diligence in taking the oath of the Scots, to allay the poſitive demands your majeſty may meet with in the next aſſembly of covenanters, when they find all are not minded to dance after their pipe." *Strafford's Letters*, vol. II. p. 362, 372. *Nalſon*, vol. I. p. 240, *& ſeq.*

his

his rage, and ſtigmatized all thoſe who had any hand in the pacification. The army was diſbanded with marks of diſpleaſure; Arundel, Saliſbury, and Pembroke, were treated coldly; Holland, though ſupported by the queen, could hardly maintain a footing in the court; and Eſſex, who had obeyed every direction that had been given him with the utmoſt punctuality, and whoſe behaviour in this buſineſs is commended by the courtiers, was notwithſtanding diſcharged in the croud, without ceremony or any ordinary civility paid him; and ſome time after refuſed the command of the foreſt of Needwood, a ſuit he had made with earneſtneſs, becauſe the foreſt was contiguous to his eſtate. Ann. 1639.

SECRETARY Cook, that old drudge of the court, and tool of every adminiſtration, was made the ſacrifice to appeaſe the queen's anger and the King's chagrin: Tho' near fourſcore years of age, he was turned out of his office, on pretence that he inſerted ſomething in the treaty which he ought not to have done. This diſgrace put on the old man was much againſt Wentworth's inclination, whoſe creature Cook had ever profeſſed himſelf: Moreover, the deputy was farther mortified by Vane's being appointed to the ſecretary's office, a man whom he utterly deteſted, whoſe advancement he had ſometime ſtopped, and for whom the queen and the marquis of Hamilton were fain to exert all their intereſt.

THE King next vented his diſpleaſure on the paper publiſhed by the Scots, alleged to be the grounds and ſubſtance of the treaty: It was ordered to be burnt, and

Ann. 1639. a proclamation was iſſued, commanding all perſons who had any copies to deliver them to the juſtices of peace *. This gave ſuch a general alarm to the Scots, that tho' the King had diſbanded his troops without reſerve, they took ſuch precautions in diſmiſſing their forces as made it eaſy to draw them together again, and continued the authority to their Tables, alleging it was neceſſary they ſhould act till all danger was blown over.

FROM the firſt ſigning the pacification, Charles had expreſſed uneaſineſs concerning what might be agitated in the approaching general aſſembly and parliament in Scotland. He wanted to gain over ſome of the heads of the popular party; and for this purpoſe ſummoned fourteen of the covenanting lords to attend him at Berwick, to conſult on the affairs of their country: The Scots apprehended treachery, and would not permit above three of their chiefs to obey the mandate; theſe were Montroſe, Lowdon, and Lothian. The two laſt reſiſted all the temptations they met with in this interview; but Montroſe, a young, giddy, hot-headed nobleman, of no fixed principles, whoſe reſentment on ſome mortifications received from the ſtiff, formal carriage of Charles had been his only inducement to enter into the oppoſition, was immediately gained over by the affected ſmiles of a

* Guthrie the hiſtorian obſerves, that Charles was ſo little cured of his execrable notions of government by the difficulties he had met with from the Scots, that he minuted this order in the council-book by the name of an Act of State, a term introduced by him, and which implied that it ought to have the force of an act of parliament. *Guthrie*, vol. III. p. 968.

court,

court, and ſoon convinced his party that he was not a man in whom they could place any confidence. Ann. 1639.

DURING the interval of peace an incident happened which equally alarmed the ſubjects of England and Scotland. Cardinal Richlieu had concerted meaſures with the prince of Orange to make a vigorous attack on the dominions of the King of Spain. The Dutch, with a French ſubſidy, were enabled to fit out a very large fleet to go againſt Antwerp, whilſt France undertook to beſiege St. Omers. The court of Spain having intelligence of the intentions of theſe powers, fitted out a ſquadron conſiſting of fifty ſhips, with twelve thouſand foot on board, which was to join another ſquadron lying in the port of Dunkirk. The vigilant Richlieu gave advice of this armament to the prince of Orange, who received intelligence from a ſpy, chief clerk to the government at Bruſſels, that the Spaniſh general, Antonio Doguendo, was inſtructed to put himſelf under the protection of the Engliſh fleet, and to land his men on the coaſt of Flanders. In the ſtraits between Dover and Calais, the Spaniſh fleet was met by Van Tromp, the Dutch admiral, who, with a very inferior force, engaged them, and forced them into the Downs. The prince of Orange ſeized the opportunity of revenging the inſults his country had lately received from Charles: He ſent the Dutch admiral, Van Tromp, a ſtrong reinforcement, with orders to purſue and fight the enemy, tho' ſheltered under the protection of England. Van Tromp ſignified to the Engliſh admiral, that if he took part with the Spaniards his orders were to fight both fleets. In vain did the Spaniards demand the aſſiſtance they had ſought

Lettres d'Eſtrade, ed. Lond. 1743, tome I. p. 12, & ſeq.

Id. p. 39, & ſeq.

Burchett's Naval Hiſt.

Ann. 1639. from their profeſſed friend the king of England. Charles's fleet, notwithſtanding the heavy tax he had exacted on the pretence of ſhipping, was in very bad order, nor could he be certain of the obedience of the ſailors, who, with the reſt of his ſubjects, were impreſſed with a notion that the Spaniards were come to aſſiſt him in his ſchemes of government, and to ſubdue all oppoſition to the tyranny of prieſthood. The Spaniſh fleet was ill provided, and though conſiſting of ſixty-ſeven ſhips, was much inferior in number to the Dutch, whoſe mighty force was no leſs than an hundred large veſſels. In theſe diſtreſſing circumſtances, Charles endeavoured to maintain the appearance of impartiality, and ſent orders to Sir John Pennington, who lay in the Downs with thirty-four men of war, to join that fleet which ſhould be firſt attacked. At the ſame time, he adviſed the Spaniards to ſlip away with the firſt fair wind, for he could not be anſwerable for the ſucceſs of an engagement if they were attacked by the Dutch. Charles's ſcheme was fruſtrated by Van Tromp, who began the attack on pretence that the Spaniards had violated their privilege of protection by killing a ſeaman on board his own barge. This circumſtance furniſhed Pennington with an excuſe to keep the deſired neutrality. The Spaniards, who had found means to run over twelve of their ſhips to Dunkirk, were hemmed in on all ſides by the Dutch, who forced them to run twenty-three veſſels a-ſhore, ſeven of which were deſtroyed; of the reſt of the fleet, ſixteen ſhips were taken, two burnt, and fourteen loſt near Bulloign and Calais; the remaining number of the twenty-three forced a-ſhore, after having been deſerted by the Spaniards, were manned by the Engliſh, and delivered to their

Naval engagement in the Downs.

their owners. In this complete victory, the Dutch loſt Ann. 1639.
but ten ſhips; and thus the naval armament of Spain, to the great joy of the Engliſh ſubjects, who had conceived an inexpreſſible terror at their firſt appearance, met with an irrecoverable blow, though ſheltered in a manner in the very arms of their ſecret ally the king of England *. Charles complained loudly of this inſult, and made uſe of it as an argument to exact with redoubled ſeverity the tax of ſhip-money.

THE marquis of Hamilton, who found that Charles did not intend to be ſincere in his dealings with the Scots, and that he was determined againſt the total abolition of epiſcopacy, the only conceſſion that could content the covenanters, declined acting again as high-commiſſioner. On his refuſal, the earl of Traquaire was inveſted with that office. Traquaire's inſtructions were very minutely drawn up; among other articles were the following concerning biſhops: "For the better facilitating our other ſervices, and the more peaceable and plauſible progreſs in all buſineſſes recommended to you, we allow you, at any time you ſhall find moſt convenient after opening the aſſembly, to declare, that notwithſtanding our own inclination, or any other conſiderations, we are contented, for our people's full ſatisfaction, to remit epiſcopacy and the eſtates of biſhops to the freedom of the aſſembly; but ſo as no reſpect be had to the determination

* Northumberland writes to the earl of Leiceſter, that his majeſty's deſigns were a little to be wondered at, that he ſhould endanger the receiving an affront, and expoſe his ſhips to much hazard, rather than command both the Spaniſh and Holland fleets out of the Downs. *Sydney's State Papers*, vol. II. p. 612.

Ann. 1639. mination of the point in the laſt aſſembly. But in giving way to the aboliſhing epiſcopacy, be careful that it may be done without the appearing of any warrant from the biſhops; and if any offer to appear for them, you are to enquire for their warrant, and carry the diſpute ſo as the concluſion ſeem not to be made in prejudice of epiſcopacy as unlawful, but only in ſatisfaction to the people, for ſettling the preſent diſorders, and ſuch other reaſons of ſtate; but herein you muſt be careful that our intentions appear not to any."

Diſſimulation of Charles.

ON the peruſal of theſe articles, an unobſerving reader would imagine, that Charles intended to leave off trifling, and anſwer to the full the expectations and wiſhes of his Scotch ſubjects. This was far from his intention: The appearance of a conceſſion, contrary to the dictates of his conſcience, and his principles of government, was a meer ſubterfuge, and never intended but to deceive. At the ſame time that theſe inſtructions were given to Traquaire, a letter was ſent to the biſhops, with directions to give in to the commiſſioner a proteſtation againſt the aſſembly and parliament, not to be read or argued in the aſſembly: "But, ſays the letter, to be repreſented to us by our commiſſioner, which we promiſe to take ſo into conſideration as becometh a prince ſenſible of his own intereſt and honour, joined with the equity of your deſires. And you may reſt ſecure, that though perhaps we may give way for the preſent to that which will be prejudicial both to the church and our own government, yet we ſhall not leave thinking in time how to remedy both: We do hereby aſſure you, that it ſhall be ſtill one of our chiefeſt ſtudies how to rectify and eſtabliſh the govern-

government of that church aright, and to repair your loſſes, which we deſire you to reſt ſatisfied with." Ann. 1639.

CHARLES imagined that a proteſtation from the biſhops would affect both the concluſions of the aſſembly and parliament: For as biſhops, in his opinion, had a right which they could never be deprived of but by their own conſent, ſo the determinations of a parliament, from which they were forcibly excluded, would of courſe be invalid; and thus, when a proper opportunity preſented, its acts might be declared vacate, though they had obtained the royal aſſent *.

Scotch tranſactions.

THE Scots either had very good intelligence of all the ſchemes plotted at court, or ſeem to have had a thorough knowledge of the King's diſpoſition and temper: Though after the pacification they quitted the form of an army, yet they kept together in bodies, and retained all their officers in pay; they carried on their fortifications, and bought up large quantities of arms in foreign ſtates. Thus prepared, when the ſynod met, they declared all thoſe aſſemblies null which had been condemned in the laſt meeting, and paſſed an act, which was ratified by the commiſſioner, with a promiſe that he would rtaify the ſame in parliament, imputing the troubles of the kingdom to the following cauſes: The liturgy, the canons, conſecration, ordination, the five articles of Perth, the change of the church-government into epiſcopacy, the introduction of eccleſiaſtics into civil offices, and

* It was the earl of Traquaire that ſuggeſted this to the King. *Memoirs of the Duke of Hamilton*, p. 149.

Ann. 1639. the interruption of general aſſemblies. The covenant was commanded to be ſubſcribed, with a new explanation, and another aſſembly was appointed to meet at Aberdeen, in the month of July in the following year *. On the new explanation of the covenant, it was taken by the commiſſioner and the reſt of the council †. Tho' the explanation was favourable to the royal authority, and was a great point gained, as matters then ſtood, yet Traquaire incurred the reſentment of his maſter for a compliance which ſhocked both his pride and his principles ‡.

* During the ſitting of this aſſembly, the biſhops of Dunkeld and the Orkneys abjured epiſcopacy, as having no foundation in the word of God, and which had had pernicious conſequences in many parts of Chriſtendom, and particularly in Scotland. *Monteth*, p. 50, *& ſeq.*

† Explanation of the covenant. "We do ſwear not only our mutual concurrence and aſſiſtance for the cauſe of religion, and to the utmoſt of our power, with our means and lives, to ſtand to the defence of our dread ſovereign and his authority in the preſervation and defence of the ſaid religion, liberties, and laws of this kirk and kingdom, but alſo in every cauſe which may concern his majeſty's honour, we ſhall, according to the laws of this kingdom, and duty of good ſubjects, concur with our friends and followers, in quiet manner or in arms, as we ſhall be required of his majeſty's council, or any having his authority." The following clauſe was prefixed to the names of the ſubſcribers: "We ſubſcribe this covenant according to the explanation it hath received from the general aſſembly; that is, as declaring the five articles of Perth, the government of the church by biſhops, and the beſtowing of civil places on churchmen, to be unlawful in this church." Traquaire avowed, that he ſigned the covenant as a ſubject, not as his majeſty's high-commiſſioner. *Nalſon*, vol. I. p. 253. *Rapin*, vol. X. p. 387. *Monteth*, p. 50.

‡ Part of Traquaire's inſtructions were, to have an eſpecial care that the bond ſhould be the ſame as was in James's time, and that he gave no

THE conduct of the parliament was no leſs animated than that of the general aſſembly. The covenanting party ſhone forth in the meridian of their glory; and ſuch was the influence of the ſpirit of Liberty, that theſe Northern chiefs, the inhabitants of an hitherto-uncivilized country, had conducted their oppoſition to tyranny with a regularity and judgment that would have graced the councils of an eſtabliſhed commonwealth. And when by wiſe and vigorous meaſures they had extorted from their unwilling ſovereign a parliament, to ſettle the civil and religious rights of the nation, they exerted talents that rivalled the reputation of Grecian legiſlators. The ſcheme of the party was to rectify and fix the conſtitution of Scotland, till now inconſiſtent, precarious, and unſettled; and this ſagacious parliament, compoſed of the chief members of the oppoſition, ſeem in their purpoſed model to have had an eye to ſome of the pureſt and the firmeſt fundamentals in the ſyſtem of the Engliſh monarchy. Their firſt attempt was to aboliſh the lords of the articles, and thus reinſtate the parliament in that authority which had, by the means of this inſtitution, been entirely ingroſſed by the crown. They preſented to the high-commiſſioner an act, declaring, that nothing done, or to be done, in parliament, ſhould be valid, except the form of electing articles heretofore obſerved were altered, and every eſtate allowed to chuſe their own articles *. The act of the general

Ann. 1639.

King's Declaration. Ruſhworth, vol. III. p. 1025, &ſeq.

no aſſent to the farther interpretation of it than what might ſtand with the King's intentions, well known to him.

* They for this time gave way to the commiſſioners, chuſing eight noblemen in the place of the biſhops; but they voted it ſhould be no example for the future. *Whitlock*, p. 29, *& ſeq.*

Ann. 1639. Whitlock, p. 30.

assembly concerning epiſcopacy was ratified; and on the commiſſioners demanding, that the third eſtate ſhould be repreſented by fourteen lay-abbots of the King's chuſing, it was rejected with ſpirit; and a vote paſſed, that the third eſtate ſhould be completed by ſmall barons, to be elected by the commonalty.

Ruſhworth, vol. III. p. 1003, &ſeq. p. 1027, &ſeq.

THE next buſineſs the parliament undertook was to abridge the power of the crown in the point of coin, a privilege which rendered property precarious and dependent on the monarch. To ſecure the ſubject from this grievance, they paſſed an act ordaining, that the coin ſhould not be meddled with but by advice in parliament. The King having made two Engliſhmen governors of the caſtles of Edinburgh and Dumbarton, the Scots took the alarm, and, that they might not be bridled with foreign garriſons, preſented an act ordaining that no ſtrangers ſhould be intruſted with the keeping any caſtles, nor other perſon put in them, but by advice of the eſtates. The next act ordained, that no patent of honour ſhould be granted to any ſtranger, but ſuch as had a competency of land-rent in Scotland: This was very important to the ſecurity of the country, ſince, without this reſtriction, Charles might have filled the parliament with Engliſhmen, the creatures of his court. The ſixth act ordained, that no commiſſion of juſticiary or lieutenancy ſhould be granted but for a limited time. And the ſeventh proteſted againſt the precedency of the lord-treaſurer and lord-privy-ſeal, becauſe not warranted by law *. There were other ſalutary acts paſſed of the

* The parliament were ſo jealous of being treacherouſly dealt with, that they deſired leave to appoint ſome of their members to ſit by the clerk,

ſame nature; ſuch as ſettling the book of rates by advice of parliament; limiting the power of the Exchequer; demanding that the council ſhould be cenſurable by parliament; an act touching proxies and ward-lands, with a ſupplication that the authors of the book called "The Large Declaration," in which the Scots had been groſly abuſed ſhould be delivered up to the juſtice of the kingdom *. Charles receiving intelligence of theſe proceedings, ordered his commiſſioner to prorogue the parliament till the ſecond of June 1640; and if he met with oppoſition, to declare that the members who ſhould continue to ſit were guilty of high-treaſon †.

Ann. 1639.

Ruſhworth, vol. III. p. 960.

clerk, and ſee that the votes were rightly taken. *Ruſhworth*, vol. III. p. 1010.

* It was penned by Balcanqual dean of Durham. *Memoirs of the Duke of Hamilton*, p. 116.

† The following directions, which the King wrote to Traquaire on the buſineſs of the parliament, furniſh a freſh proof of the inſincerity of his intentions in regard to the Scots: "As we have formerly written to you, we cannot conſent to the reſcinding any acts of parliament made in favour of epiſcopacy; nor do we conceive that our refuſal to aboliſh thoſe acts is contradictory to what we have conſented to, or to what we were obliged to. There is leſs danger in diſcovering any future intentions of ours, or at the beſt letting them gueſs at the ſame, than if we ſhould permit the reſcinding thoſe acts of parliament which our father with ſo much expence of time and induſtry eſtabliſhed, and which may hereafter be of great uſe to us. And though it ſhould perhaps caſt all looſe (as you expreſs) yet we take God to witneſs, we have permitted them to do many things in this aſſembly, for eſtabliſhing of peace, contrary to our judgment. And if, on this point, a rupture happen, we cannot help it; the fault is on their part, which one day they will ſmart for. We likewiſe wrote formerly to you, that we thought it not fit at this time that the power of the lords of articles ſhould be refined, and that you are to avoid the ſame, and to be ſure not to conſent thereunto." *Memoirs of the Duke of Hamilton*, p. 158, *& ſeq.*

Ann. 1639. THE parliament drew up a declaration, ſetting forth the irregularity of theſe proceedings; that the commiſſioner had infringed their privileges in many articles, and that the prorogation of the parliament, without their own conſent, was contrary to the uſage of the kingdom; and that though they were willing to break up, to give the King a proof of their obedience, yet they thought it neceſſary to leave a committee of each eſtate to preſent a remonſtrance to his majeſty, and attend his gracious anſwer.

Ruſhworth, vol. III. p. 956. THE earls of Dumfermling and Lothian were the perſons ſent up to preſent this to the King, and to demand the royal aſſent to the acts that had paſſed this parliament. The King refuſed to give the deputies audience, on pretence that they came without a warrant from his commiſſioner. When the earl of Traquaire arrived, he was ordered to report to the Engliſh council what had paſſed in Scotland ſince the pacification. The council, without being acquainted with the conſtitution of the kingdom, the legality of the paſt tranſactions, the rationality of the claims, precipitately declared, that it was abſolutely neceſſary to reduce the Scots to their duty by the force of arms *. The committee at Edinburgh at length obtained leave to ſend deputies to juſtify the conduct of the parliament. Theſe refuſed to plead before a committee of the council, and alleged that

Id. p. 1031, & ſeq.

Id. p. 992, & ſeq.

* The earl of Morton ſaid, that as the King had given the Scots leave to petition in parliament for redreſs, there was not ſufficient ground for war till their reaſons were heard. On this the earl of Strafford peremptorily aſſerted, that there was ground enough for war. *Nalſon*, vol. II. p. 82.

they

they were ſent to the King and not to the council of England, who had no juriſdiction over the Scots. The King at length vouchſafed to give them a perſonal audience, in the preſence of the appointed committee. The earl of Lowdon was the mouth of the deputation: He vindicated all that had been done in Scotland, and inſiſted, in a very decent though determined manner, on the confirmation of the conſtitutional points. Charles pretended to believe, that the deputies were come to treat with him about conceſſions: He firſt aſked them, how he could be ſure they were ſent by the people they pretended to repreſent? and then what power they had to give him ſatisfaction? The deputies, after ſhewing their authorities, anſwered, if what they had to propoſe was agreeable to law, they were convinced his majeſty would be ſatisfied. Who is to be judge of that, ſaid the King? The law, returned the deputies, is ſo clear, that there is no need of a judge. Charles, after trifling in this manner, declared, that the deputies were not inveſted with proper authority to treat about an accommodation; that their application was undutiful; and that enough had been done already to give the Scots ſatisfaction *.

Ann. 1639.

Id. p. 1033, & ſeq.

* Laud, who was one of the members of the committee, entered into a diſpute with the deputies, and alleged, that the King was not obliged to ratify the concluſions of the aſſembly; the deputies affirmed that he was. In the courſe of this diſpute Laud grew warm, and ſaid, that the clergy of England in their convocation-houſe did not aſſume ſuch authority as the general aſſembly of Scotland. To this the deputies anſwered, with great ſpirit, that the compariſon would not hold; for the convocation-houſe, which did only conſiſt of prelates, and a part of the clergy, was of a different nature from their general aſſemblies, where his majeſty or his commiſſioner ſat, and where the whole congregations and pariſhes of the kingdom were

Ann. 1639. DETERMINED on war, he publiſhed a declaration to vindicate his own conduct, and accuſe the Scots: In this he endeavoured to ſtir up the reſentment of the Engliſh againſt them, on the objection made to the intruſting of important charges in the hands of ſtrangers; and attempted to ſhew that all their demands were not only illegal but abſurd. His arguments on this head are puerile, and can only convince thoſe who, like himſelf, idolized monarchical power. Traquaire, who was hated by the prelates on a ſuſpicion that he had betrayed them *, and who had incurred the King's reſentment for the moderation with which he had behaved in the character of

King's Declaration. Ruſhworth, vol. III. p. 1027, &ſeq.

were repreſented by their commiſſioners from preſbyteries, ſo that what was done by them was done by the whole church and kingdom. At this Laud exclaimed, with great heat, "That the convocation-houſe in England was as eminent a judicature as the general aſſembly in Scotland; that the clergy and himſelf had been a long time members of the parliament; and that neither the Engliſh nor any reformed church had lay-elders as the Scots had in their aſſemblies, and he would loſe his life before they ſhould have them." *Ruſhworth*, vol. III. p. 998, *& ſeq.*

* It has been ſaid by ſome authors, that on the biſhops writing to Laud to prevail with the King to have the ſervice-book kept back till the nation was better prepared to receive it, that Traquaire, with a deſign to ruin the biſhops, rode poſt to London, and aſſured Laud, that there was no danger to be apprehended, and that himſelf would undertake to carry the buſineſs through without any diſturbance. The credulous archbiſhop was ſo affected with theſe promiſes, that he commanded the biſhops to proceed in the work at all hazards, and that they ſhould acquaint the earl of Traquaire with all their proceedings. To theſe commands Laud added, that no biſhops ſhould preſume to ſuffer any faſt to be kept on the Lord's Day; and if the canons were not already printed, they ſhould make one on purpoſe againſt that unworthy cuſtom. *Ruſhworth*, vol. II. p. 314.

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his commiſſioner *, found that he could no otherwiſe ſtand his ground but by humouring the inclination of the court for a war, and inveighing with great animoſity againſt his countrymen. He repreſented, that they were not to be ſatisfied; that the circumſtance of the King's ſtrength in Scotland was ſuch, that if a better concerted invaſion was ſet on foot, Ruthwen, the governor of the caſtle of Edinburgh, would ſoon teach them their duty †. To furniſh the King with a pretext for hoſtile reſolutions, he put into his hands a letter he had picked up, written by ſeven of the covenanting lords to the king of France, deſiring his protection and aſſiſtance. This letter ‡, on the pacification, had been reſerved, and never ſent.

Ann. 1639.

Memoirs of Hamilton, p. 160.

* Previous to his being intruſted with this office, he had been put under arreſt for his too eaſy giving up the caſtle of Dalkeith, in which were lodged the Scotch regalia. The prelates had repreſented his conduct as proceeding either from cowardice or treachery; but he made it appear that the place was indefenſible. At the ſame time this happened, the earl of Roxborough, a ſtaunch friend and creature of the court, was confined becauſe his ſon had joined the covenanters.

† A little time after this, a great part of the walls of Edinburgh-caſtle, mounted with cannon, fell down of themſelves, and the covenanters very prudently prevented their being rebuilt.

‡ It was as follows:

"Sir, your majeſty being the refuge and ſanctuary of afflicted princes and ſtates, we have found it neceſſary to ſend this gentleman, Mr. Colvill, to repreſent unto your majeſty the candor and ingenuity, as well of our actions and proceedings, as of our intentions; which we deſire to be engraved and written to the whole world, with a beam of the ſun, as well as to your majeſty. We therefore moſt humbly beſeech you, Sir, to give faith and credit to him, and to all that he ſhall ſay on our part touching us and our affairs, being moſt aſſured, Sir, of an aſſiſtance equal to your wonted clemency, heretofore and ſo often

Ann. 1639. To the aſtoniſhment of the Engliſh court, now, for the firſt time, was diſcovered the real ſource from whence the Scots had obtained their aſſiſtance of men and money. Charles had attributed it to the Dutch, or to the party of Calviniſts ſpread over Europe: it never once entered his head that the reformed, whom he, a Proteſtant prince, had treated with the utmoſt rigor, at the ſame time that he was courting the triple crown at Rome, could receive encouragement from a prelate of the Romiſh church; and ſo much was he impreſſed with his father's notion of a ſympathetic amity among ſovereigns, that he imagined brother-monarchs bound by every tie moral and political to aſſiſt each other againſt rebellious ſubjects. It was the part he had always acted, when he followed the impulſe of his own inclinations in the quarrel between the king of France and the Proteſtants of that kingdom. The falſe light in which he viewed theſe things, rendered him obnoxious to the revengeful ſpirit of a vindictive prieſt.

To ſecure the ſucceſs of the ſcheme which Richlieu, with the ſtates, had formed on the Auſtrian Netherlands, it was neceſſary at leaſt to obtain a neutrality from the

often ſhewed to this nation; which will not yield the glory to any other whatſoever to be eternally, Sir, your majeſty's moſt humble, moſt obedient, and moſt affectionate ſervants, Rothes, Montroſe, Leſley, Marr, Montgomery, Lowdon, Forreſter."

Biſhop Burnet ſays, that this letter was propoſed and dictated by the earl of Montroſe; that when it was brought to the earl of Lauderdale to ſign, he objected that it was written in falſe French; and that on this objection it was laid aſide for ſome time. *Burnet's Hiſtory of His Own Times*, vol. I. p. 30.

king

king of England. To bring about this buſineſs, d'Eſtrade was ſent by the cardinal to the Engliſh court, with inſtructions to offer the King his own terms. Richlieu (who had been long on an ill footing with the queen of England, through the means of madam de Chevreuſe, who had repreſented him as a devil in the part he had acted againſt Mary de Medicis, the queen-mother, of France) gave d'Eſtrade particular directions to make his firſt applications to Henrietta, to endeavour to remove the prejudice ſhe had taken againſt him, and to make profeſſions on his part of a paſſion to ſerve her, and to deſtroy by his actions the ill offices that had been done him by madam de Chevreuſe. Henrietta received the cardinal's civilities with all the haughtineſs that could be expected from her inexperience, pride, and paſſionate temper: ſhe not only ſilenced d'Eſtrade on his offering to enter on a vindication of Richlieu's conduct, but moreover told him, that ſhe wanted nothing of that miniſter, and was determined never to have any friendſhip for him. The anſwer that Charles made to the propoſal of the ambaſſador was as open and ſincere as was that of the queen: On d'Eſtrade's aſſuring him, that if he would comply on the ſubject of the deſired neutrality, the cardinal would prevail with the French king to ſend him aſſiſtance againſt ſuch of his ſubjects as might have rebellious views, he anſwered, that he had no occaſion of foreign aid to reduce his ſubjects; and ſhould be ſo far from obſerving a neutrality, that he was determined to have a fleet in the Downs with fifteen thouſand troops on board, ready to land in Flanders in caſe of need. Richlieu received the intelligence of the manner in which his offers and civilities had been refuſed with

Ann. 1639. Lettres d'Eſtrade, ed. Lond. 1743, tome I. p. 1, & ſeq.

Ann. 1639. all that indignant ſpirit of revenge which might have been expected from a man conſcious of his power, abilities, and conſequence.

THIS happened at the beginning of the breaking out of the commotions in Scotland. D'Eſtrade received immediate orders to withdraw into Holland, to perſuade the prince of Orange to attack Antwerp, with intelligence that Richlieu would ſend his almoner, a Scotchman, to Edinburgh, to encourage the Scots in their undertakings againſt Charles, and to promiſe them the aſſiſtance of the king of France. "It was proper and advantageous, wrote he in his diſpatches to d'Eſtrade, to diſcover the ſentiments of the king and queen of England: if they had had the addreſs to conceal them, they would have perplexed us greatly. But before the end of the twelvemonth they ſhall repent their having refuſed the offers which you made them from his majeſty. You could not have ſpoken better, nor could you have better anſwered the king of England on my account: he ſhall ſoon know that I am not deſpicable."

ALL Charles's panegyriſts, and many candid authors, who have been willing to add light to a character almoſt totally ſhaded with prejudice and vice, have taken the opportunity, on this part of his conduct, to beſtow infinite praiſes on what they term patriotiſm and heroiſm. They ſuppoſe he had at length acquired a juſt idea of national intereſt; and give him great merit on his refuſing to be biaſſed by the proffers made him of aſſiſtance againſt the riſing ſpirit of his ſubjects. If the motives aſſigned by theſe authors had been the real ones that actuated

actuated him on this important occaſion, nothing would Ann. 1639. be more unjuſt than to deprive him of the praiſes due to a reſolution at once ſpirited and diſintereſted: Charles had not at this time any idea of wanting a foreign aſſiſtance; and it muſt be remembered, that the Scotch tumults were at firſt held very contemptible by the Engliſh court; that the King was naturally ſanguine in all conteſts that concerned the royal authority, which he thought could not but meet with ſupport from every individual that had ſenſe or honeſty; beſides, he was entirely governed in this affair by Henrietta his wife, who mortally hated Richlieu, and had, with her mother Mary of Medicis *, who was at this time entertained at the Engliſh court, eſpouſed the Spaniſh faction. The ducheſs of Chevreuſe had been obliged to fly her country for intriguing with the Spaniards; Henrietta invited her

Strafford's Letters, vol. II. p. 115, 148, 156.

* Her intrigues in France had made that country no place of abode for her. She fled to Bruſſels, where ſhe was much careſſed by the cardinal infanta; but ſhe was ſo hated by the people, that for fear of violence to her perſon ſhe removed to Holland, from whence ſhe was invited into England by the queen her daughter; where ſhe arrived October 1638, with a great train of Popiſh attendants, and was conducted in high ſtate through the ſtreets of London. The public expreſſed great diſſatisfaction at this event. *Whitlock*, p. 28. *Echard*, fol. ed. 1720, p. 467.

The king of France expoſtulated with the Engliſh ambaſſador on the admittance of the queen-mother into England. He ſaid, that ſhe was altogether Spaniſh, and would try all means to hinder a conjunction between the courts of France and England. Lewis farther complained, that all the Roman-Catholics in England were Spaniſh; and argued, that the expence of keeping the queen-mother in England, if otherwiſe employed, might recover the Palatinate; and that ſhe had in her train people who would cauſe diſorders in the court of England. *Sydney's State Papers*, vol. II. p. 461, 518, 530, 576.

Ann. 1639. over into England *, where ſhe was ſumptuouſly entertained, and a large allowance appointed her. Father Orleans ſays, that many of the French mal-contents took refuge in England; that it was not queſtioned in France but that ſo many diſguſted women would conſpire to unite the King of England with the houſe of Auſtria, whoſe miniſters had daily conferences with the queen, and the King himſelf was preſent. Charles, through female influence, was ſo deeply engaged with that court †, that had he had the inclination, it would have been impoſſible for him to have acted the part of neutrality that was demanded of him by the French king.

Orleans, p. 44.

Memoirs of Hamilton, p. 160, & ſeq.

On the diſcovery of the letter, Colvil and the earl of Lowdon were ſent to the Tower. Lowdon vindicated himſelf on the following plea: That the letter was written before the pacification, and for that reaſon was buried in oblivion. He offered to be tried by his peers in Scotland, from which place, he ſaid, he came on his majeſty's warrant, and ought to be returned back again a freeman. It is reported, that Charles was much inclined to deprive him of his life; but was diſ-

* Henrietta was ſo fond of this intriguing woman, that ſhe permitted her to ſit in her preſence. This was a privilege which it ſeems was denied not only to the French ambaſſadreſs, but to the women of the firſt quality in England. This important point was formally debated on by the Engliſh ambaſſador and the court of France. *Sydney's State Papers.*

† Charles was at this time liſtening to propoſals of a croſs-marriage between two of his children and a ſon and daughter of the king of Spain. The treaty was carried on by madam de Chevreuſe. *Sydney's State Papers*, vol. II. p. 636.

ſuaded from this violent meaſure by the marquis of Hamilton, who was ſenſible of the miſchief the King would bring on himſelf by ſuch a procedure *. The enraged party at court, being determined at all hazards to reduce the Scots to obedience by the force of arms, began to take meaſures to raiſe a numerous army: The counties were taxed for their quotas, and ſhip-money, with the arrears due, was exacted with the utmoſt rigor. All this being very inſufficient to ſupply the exigencies of a war, Wentworth, lately created earl of Straf-

Ann. 1639.

Ann. 1640.

Preparations for another war.

* The following is the ſtory told by Burnet, from a paper written by Dr. White Kennet biſhop of Peterborough. Charles, in a fit of paſſion, ſent a warrant to Sir William Balfour lieutenant of the Tower, to execute the priſoner Lowdon for high-treaſon. Balfour, at the deſire of Lowdon, conſulted with the marquis of Hamilton on what was to be done in the preſent exigence. Balfour and Hamilton went immediately to the King, whom they found in bed: Balfour fell on his knees, and uſed many arguments to perſuade the King to ſuſpend the execution of a warrant which could not be legally proceeded on. The King ſaid, the warrant was his, and it ſhould be obeyed. On this the marquis of Hamilton entered the chamber, and told the King, that if he was ſo determined, himſelf would ride poſt for Scotland, and tell his countrymen, that he had no hand in it. The King was ſo ſtruck with this peremptory declaration that he tore the warrant. *Appendix to the Enquiry into Glamorgan's Tranſactions*, p. 15.

Before the concluſion of the year 1639, the prince-palatine, who having raiſed a ſmall army in Holland, was beat by Hatzfield, one of the emperor's generals, in Weſtphalia, made another viſit to his uncle the king of England, to ſolicit a ſupply. Charles was not in a condition to grant the requeſt, and ſent the young prince incognito through France to the allied army, which had promiſed, on his appearance, to acknowledge him general in the room of duke Barnard Saxe-Weymar, lately deceaſed: He was diſcovered at Lyons, and, by an order from the court of France, confined as a priſoner.

Ann. 1640. ford *, who had been ſent for over on this preſſing occaſion, together with Laud and Hamilton, the three men whom Charles conſulted on important points, encouraged by an opinion that a general averſion and indignation againſt the Scots raged through the whole kingdom; and depending much on the circumſtance of the intercepted letter, adviſed the King to recede from his determined plan; and once again try the old conſtitutional expedient of a parliament.

WHEN this reſolution was told to the council, they gave an univerſal voice of approbation: but Strafford, whom conſcious guilt rendered ſuſceptible of doubts and jealouſy, and whoſe fate was wound up with that of his maſter's, was determined, if poſſible, to render him capable of making his own terms, and ſubſcribed twenty thouſand pounds as a free loan; the duke of Richmond, a young nobleman of no conſiderable parts, gave forty thouſand. The example influenced many other great officers in church and ſtate †, and the King found himſelf in a condition to proceed with his armament without waiting for a ſubſidy. Preſuming on this unexpected ſupply, he determined to

Warwick's Memoirs, p. 144.

* He had often ſolicited this dignity; but Charles, who was ſlow in granting favours even to his moſt determined tools, had poſtponed the indulging his deſires till this period, when his appearing with a new luſtre in Ireland might render that people the more complying to his demands in this preſſing neceſſity of the crown. *Strafford's Letters.*

† Whitlock ſays, that the judges and officers of the courts of juſtice eccleſiaſtical and civil were aſſeſſed by the council according to the quality and profit of their places.

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ceſſity, and that he thought himſelf on a footing to treat them in his uſual ſtyle. Ship-money was continued to be levied, altho' the grand-jury of Northamptonſhire had the ſpirit to preſent it as illegal *. An unmitigated rigor was uſed in the eccleſiaſtical courts †. On the death of Coventry ‡, which happened about this time, the obnoxious Finch was preferred to the great ſeal, and created baron of Fordich. He began the exerciſe of his office with calling the judges together, and giving them a charge to promote, in their circuits, the ready chearful payment of ſhip-money; and had the imprudent preſumption to declare, on a demurrer put in to a bill then before him, which had the authority of an order of the lords of the council, but no equity in it, "That whilſt

Clarendon, vol. I. p 58.

* Sir Chriſtopher Yelverton, high ſheriff of Northamptonſhire, having ſent to the council a copy of this preſentment, was ſharply reprimanded, and ordered to do his office on pain of exemplary puniſhment. *Rapin*, vol. X. p. 398, *& ſeq.*

† Some tenants of the church of Durham having combined together, and raiſed money to carry on a proſecution againſt the dean and chapter for raiſing their fines exorbitantly, contrary to a decree of the court at York in the time of Elizabeth, they were called before the council, and Grey and Smith, two men who had been the moſt buſy in this affair, were, by a motion of Laud's, committed to the Gate-houſe. Laud ſaid, that the dean and chapter would do well to proceed againſt the proſecutors in the Star-chamber, and never renew the leaſes to them or their children; he was confident it was a practice againſt the church, and that there was a farther deſign in the buſineſs. *Ruſhworth*, vol. III. p. 1051, *& ſeq.*

‡ Coventry died with the following document in his mouth, or rather requeſt to the King: That he would take all diſtaſtes from the parliament with patience, and not end it with an unkind diſſolution.

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Ann. 1640. he was keeper, no man ſhould be ſo ſaucy as to diſpute thoſe orders, but that the wiſdom of that board ſhould be always ground enough for him to make a decree in Chancery."

THE parliament was ſummoned to meet on the thirteenth of April. The pleaſure this news gave to the lovers of Liberty baffles all deſcription: "What, cried they in their mutual congratulations, are our tyrants at length unexpectedly drove into the neceſſity of calling a parliament, after their uſe has been ſo long and ſo ſucceſsfully laid aſide? and this when our hopes are grown languid; at a time when the remembrance of that auguſt aſſembly, when the veneration its conduct ſo juſtly acquired, is grown faint on the minds of the vulgar." The exultation of the public began to ſhew itſelf on ſeveral occaſions: The preſentment of the Northamptonſhire jury againſt the illegality of ſhip-money; the ſpirited exertion of one Bagſhaw, a lawyer, reader of the Middle-Temple, who argued againſt the lawfulneſs of the ſeat and juriſdiction of biſhops in parliament *.

* He argued on the ſtatute of 25 Ed. III. and divided his matter into ſeveral parts, alloting a caſe for every day in which he was appointed to read. His arguments being reported to Laud, he was commanded not to proceed. He applied to Finch the lord-keeper, who ſent him to Laud, telling him, it was good law, but he could not proceed without a licence. Laud told him, he had fallen on an unfit ſubject in an unſeaſonable time, which would ſtick by him as long as he lived. He was again commanded ſilence, on which he went out of town. Forty or fifty gentlemen of the inns of court, to do him honour, and ſhew their approbation of his intention to inſtruct his audience, attended him on horſeback. *Whitlock*, p. 31, *& ſeq.*

Not-

Notwithſtanding theſe favourable omens, there was at Ann. 1640.
this time too much leaven of prieſthood, and other flagrant prejudices in the nation, for the Puritans, the great oppoſers of the late tyrannical proceedings, to carry the majority of elections. On this important occaſion, therefore, many members were choſen who had too ſcrupulous a regard for what they called the dignity of the crown and church, to engage heartily with that party in correcting the abuſes and reforming the corruptions of either.

PREVIOUS to the meeting of the Engliſh parliament, Strafford was ſent over into Ireland, with the title of lord-lieutenant, and the ornament of a blue ribbon, to gain from that eaſy credulous people a ſum of money ſufficient to execute the deſigns which had been concerted between him and his maſter. A parliament was accordingly called in that kingdom, which anſwered ſo well the hopes of the miniſtry, that they immediately granted four ſubſidies, expreſſed a violent zeal for the cauſe, drew up a declaration containing an acknowledgment of favours and benefits enjoyed under his majeſty's happy and gracious government, with a promiſe for a farther ſupply to the utmoſt of their abilities if the King's occaſions ſhould require it. This was not only entered into the Engliſh council-cauſes, and copies diſperſed abroad, but mentioned at the end of the King's declaration againſt the Scots, with an intimation that the ſubjects of England would do well to follow ſo good an example *.

Parliament in Ireland.

Strafford's Letters, vol. II. p. 400, & ſeq.

Ruſhworth, vol. III. p. 1039.

* Such was the ſubjection in which the Iriſh parliament was held by the lieutenant, that he procured the following clauſe to be inſerted in

Ann. 1640. Parliament of England.

APRIL the thirteenth, the parliament met *. Eager expectation took poſſeſſion of almoſt every Engliſh breaſt; nor were the Scots leſs free from this turbulent affection, ſeeing that their ſucceſs or ruin entirely depended on the reſolutions of this aſſembly. After a ſhort preface from the King, the lord-keeper Finch made a long ſpeech to both houſes; this performance out-did his uſual bombaſt: He began with highly extolling his maſter's condeſcenſion in calling a parliament. "His majeſty's kingly reſolutions, ſaid he, are ſeated in the ark of his ſacred breaſt; and it were a preſumption of too high a nature for any Uzziah, uncalled, to touch it: Yet his majeſty is pleaſed to lay by the ſhining beams of majeſty, as Phœbus did to Phaeton, that the diſtance between ſovereignty and ſubjection ſhould not bar you of that filial freedom of acceſs to his perſon and counſels; only let us beware how, with the ſon of Clymene, we

Parl. Hiſt. vol. VIII. p 397, & ſeq.

Finch's ſpeech.

their declaration: "And particularly in placing over us ſo juſt, wiſe, and vigilant a governor as, *&c.* who by his great care and travail of body and mind, ſincere and upright adminiſtration of juſtice without partiality, *&c.*" Wentworth having obtained this clauſe to be thruſt into the declaration of the Iriſh parliament, boaſted much of his intereſt in that kingdom. "I have left, wrote he in a letter to ſecretary Windebank, the Iriſh people as fully ſatisfied as can poſſibly be wiſhed for, notwithſtanding the philoſophy of ſome amongſt you in the court, who muſt needs have it believed, that people are infinitely diſtaſted with the preſent government, and hating of me; which error I can eaſily remit unto them, conſidering that thereby the truth will be more clearly underſtood unto all, and in concluſion the ſhame fall unto themſelves." *Carte's Life of Ormond*, vol. I. p. 95. *Strafford's Letters*, vol. II. p. 403.

* Wren biſhop of Ely, one of the moſt obnoxious prelates in the kingdom, preached before the King on this occaſion at Weſtminſter. *Nalſon*, vol. I. p. 306.

aim

aim not at the guiding the chariot, as if that were the only teſtimony of fatherly affection. But let us ever remember, that though the King ſometimes lays by the beams and rays of majeſty, he never lays by majeſty itſelf." After this introduction, Finch expatiated on the King's goodneſs in eaſing the parliament of the trouble of giving advice concerning the buſineſs of the nation, and the having for twelve years taken that burden on himſelf. He then proceeded to invectives againſt the Scots, who, he ſaid, deſigned to introduce an army of foreigners into their country, ſo that there was an abſolute neceſſity to make preparations for the defence of England. He gave an account of the zeal the Iriſh parliament had expreſſed for the King's ſervice, ran out in a high-flown panegyric on the King and his government, on the queen, and the reſt of the royal family: He introduced the old topic of tonnage and poundage, which he ſaid the King would graciouſly accept as a gift from the parliament; and ended with an exhortation to the Commons to grant a liberal ſupply. After this empty harangue, Charles produced the letter which had been ſent by the covenanters to the French king, and informed the houſe, that he had ſent the lord Lowdon and Mr. Colvil priſoners to the Tower *. Finch had told both houſes, that in the diſpute between the King

Ann. 1640.

* Finch endeavoured to aggravate this imputed crime by inſiſting much on the trifling circumſtance of the ſuperſcription of the letter; a ſtyle, he ſaid, never written by any Frenchman but to their king. However, the ſuperſcription was denied by the parties concerned, who aſſerted, that it was added, with a view of blackening them, after their enemies had gotten poſſeſſion of the letter. *Parl. Hiſt.* vol. VIII. p. 406.

and

Ann. 1640. and the Scots, his majeſty would not admit any one to interpoſe an office of mediation.

Serjeant Glanville's ſpeech.

THE Commons choſe ſerjeant Glanville for their ſpeaker *, a man of ſome abilities, and at this time not very diſpleaſing to any party in either houſe. In his ſpeech to the throne he expatiated on the excellence of monarchy royal and hereditary, and beſtowed great encomiums on the King's government, on his piety, and his other perſonal virtues. After this incenſe, he entered on the ſubject of the prerogative, which, he ſaid, could do no hurt, provided it admitted the temperament of law and juſtice. He explained what he called the higheſt prerogative, "The King can do no wrong," a maxim in law which had ever been ſo abſurdly and infamouſly miſrepreſented by crown-lawyers. Every unjuſt command, ſaid he, is made void by this privilege; and therefore, though the King in his perſon is innocent, the actors of thoſe abuſes ſtand liable and expoſed to ſtrict examination and juſt cenſure. He then inſinuated the neceſſity of enacting plain ſtatutes, that the ſubject might be enabled to underſtand what is expected of him, and what he may call his own. "Were we never ſo valiant, concluded he, never ſo wealthy, if love and unity be not

* The perſon who brought the ſpeaker-elect the meſſage to attend the King in the upper houſe was of no better condition than a quarter-waiter: The neceſſary ceremony on this occaſion was neglected laſt parliament, and noticed by that aſſembly as an affront to the houſe. Glanville commanded the waiter to tell Maxwell, the gentleman-uſher of the houſe of Lords, that it was his duty to have come and brought the meſſage himſelf. *Journals of the Commons*, vol. II. p. 3.

amongſt

amongſt us, what good will our wealth do to ourſelves Ann. 1640.
or to your majeſty? he that commands a heart in love, he and he only commands aſſuredly the purſe to pay, and the hands to fight."

THE Commons, according to the cuſtom of ſeveral parliaments, previous to their entering on matters of importance, conferred with the Lords concerning the petitioning the King for a faſt, with the uſual buſineſs of ſettling elections, and determining matters of privilege *. The firſt days of the ſeſſion were ſpent in reading petitions poured in by ſeveral counties in England againſt ſhip-money, projects, monopolies, the tranſactions of the Star-chamber, the High-commiſſion court, and other grievances. The King, who imagined that the Commons would be in a flame on the ſubject of the letter that was written to the French king †, ſent them a meſſage by ſecretary Windebank, enlarging on the affronts and indignities the Scots had, by ſuch an appeal to a foreign prince, put on their ſovereign. The Commons were at this time ſo taken up with their own grievances, that they took no notice of what had fallen from ſecretary Windebank. The debate on the national oppreſſions was opened by Harbottle Grimſtone, member for Eſſex: "The buſineſs that had been recommended to their conſideration by his majeſty, he ſaid, was a weighty buſi-

* It was this ſeſſion determined, that every member ſhould have privilege for ſixteen days before the beginning, and ſixteen after the ending, of parliament. *Journals of the Commons*, vol. II. p. 10.

† The Lords had been ſo complaiſant as to vote, that the lord Lowdon ſhould be detained a priſoner in the Tower till farther evidence ſhould appear in this affair. *Whitlock*, p. 32.

neſs,

Ann. 1640. neſs, and very worthy the adviſement of that great council; but there was a caſe at home of as great a conſequence, and ſo much the more dangerous, becauſe it was home-bred, and ran in the very veins of the body politic: That caſe was the violation of Magna Charta; itſelf but a renovation and reſtitution of the ancient laws of the kingdom; a charter which had been confirmed above thirty times, and in his preſent majeſty's reign more than confirmed by an act declaratory, inveſted with the title of Petition of Right. What expoſitions, added he, contrary to that Law of Right, have ſome men given, to the undermining the Liberty of the ſubject, with new-invented, ſubtle diſtinctions? aſſuming to themſelves a power to make void the laws of the kingdom. The commonwealth hath been maſſacred, all property and liberty ſhaken, the church diſtracted, the goſpel and profeſſors of it perſecuted, and the whole nation overrun with ſwarms of projecting canker-worms and caterpillars, the worſt of all the Egyptian plagues. As the caſe ſtands, I conceive there are two points very conſiderable in it: the firſt, what hath been done any way to impeach the liberties of the ſubject, contrary to the Petition of Right; the ſecond, who have been the authors and cauſers of it."

THE next who ſpoke after Mr. Grimſtone was Sir Benjamin Rudyard, an honeſt, plain, well-meaning country-gentleman, a man of good ſenſe, but neither of depth of underſtanding, or knowledge enough in the ways of men, to cope with the vicious politics of a court. He lamented the heavy grievances the nation had ſuſtained in the intermiſſion of parliaments; he aſſerted, that if

parliaments were gone all was gone; and pathetically Ann. 1640.
recommended to the houſe, to ingratiate themſelves by their carriage, that the race of parliaments might not be rooted out. The laſt member that ſpoke in this important debate was Mr. Pym, a man in the prime of his age, but old in the ſervice of parliaments; much noted for his abilities, but yet of greater weight with his party from the ſteady uncorrupted uniformity of his conduct in the important office of a ſenator; to the reputation he had acquired in this particular was united a life moral and pious, a religion totally free of the prevailing corruptions of the times: this procured him the reſpect of all the good and moderate men in the kingdom, and from his reputed knowledge in theology, the houſe had ever appointed him the manager of all the buſineſs which concerned religion. This excellent patriot, in a diſcourſe which held above two hours, but in which there was no word without its weight, enumerated all the oppreſſion of the times *.

* When Mr. Pym mentioned the long intermiſſion of parliaments, he told the houſe, that by two ſtatutes, not yet repealed, a parliament ought to be held once a-year. On the ſubject of impoſition, he obſerved, that impoſitions were not only multiplied upon merchants goods that were exported out of, and imported into, the kingdom, but that there was a growing miſchief in plotting for the impoſition of goods not of the produce of England, nor ever brought into it, but that were conveyed from one foreign country to another by Engliſh merchants, a courſe never before heard of. In treating of the grievance of ſhip-money, he aſſerted, that though there was a judgment given for it, it was againſt all former precedents and laws; it was a grievance that had no limits either for time or proportion; and whoever endeavoured to defend it muſt be ſenſible that both his reputation and conſcience lay at ſtake in the defence. In expatiating on the ſervile doctrine at this time preached by the clergy, he ſaid, that Dr. Manwar-

Ann. 1640. PYM never harangued in vain: the houſe came to a reſolution, and ordered that the records and proceedings in the Star-chamber and King's-Bench, concerning ſeveral members of the houſe in the laſt parliament, ſhould be ſent for immediately; that a ſelect committee be appointed to meet to report their opinion to the houſe touching the violation of the privilege of parliament, the laſt day of the laſt parliaments; that the records, enrolments, judgments, and proceedings in the Exchequer, and all courts whatſoever, concerning ſhip-money *, ſhould be ſent for.

ON the queſtion concerning the behaviour of the ſpeaker, the houſe reſolved, that the ſpeaker's refuſing to put the queſtion, after a verbal command from his majeſty, ſignified by the ſpeaker to the houſe, to adjourn, and no adjournment made by the houſe, is a breach of the privileges of the houſe. Though the Commons had ſat but a few days, yet as they had taken little notice of the buſineſs recommended to them by the lord-keeper, Charles grew impatient, and ordered

ing had for that fault been brought upon his knees the laſt parliament: "He did not think, that being brought ſo low, he would have leaped ſo ſoon into a biſhopric." *Parl. Hiſt.* vol. VIII. p. 432, *& ſeq.*

* In the courſe of the debate concerning grievances, one Peard a lawyer, with ſome warmth of expreſſion, called ſhip-money an abomination. He was reprimanded by Herbert the queen's ſolicitor, whoſe reprehenſion, as Clarendon aſſerts, was thought to have ſo much weight in it, that Mr. Peard very hardly eſcaped a ſevere reprimand; "which I mention, adds this pompous courtier, that the temper and ſobriety of that houſe may be taken notice of, and their diſſolution, which ſhortly after fell out, the more lamented." *Clarendon*, vol. I. p. 105, *& ſeq.*

both houſes to attend him at Whitehall. Finch, the perſon whom they had juſt cenſured as the violator of their liberties, by the King's directions, acquainted them, that the army was now upon its march; that it coſt an hundred thouſand pounds a month; and that without an immediate ſupply the honour of their prince and nation would be loſt. He attempted to palliate the tax of ſhip-money, as neceſſary to maintain the reputation of the Britiſh flag, and made a ridiculous diſtinction on the objection that tonnage and poundage were uſed to be given for the maintenance of a fleet at ſea. "It was a tax never intended, he ſaid, but for ordinary preſervation of the ſea, not for extraordinary." He next ſet before the Commons the example of the two laſt Iriſh parliaments, and boaſted what great advantages they had gained by their dutiful behaviour. To crown the whole of this extraordinary harangue, he told the houſes, that his majeſty could not this year forbear to levy ſhip-money, but expected their concurrence in the raiſing it for the future. He concluded with magnificent promiſes, in the King's name, to give them ſatisfaction in point of ſecurity for their liberties, provided they would firſt ſatisfy him in the matter of ſupply. Ann. 1640. MS. Journ. of the Lords.

THE Commons reſerved the conſideration of this ſpeech to the next day, when Edmund Waller, a young man of a good eſtate and promiſing parts, in a very ſenſible manner anſwered the arguments that had been urged by the keeper, and that in a ſtrain of eloquence which procured him the attention and applauſe of the whole aſſembly. The purport of his ſpeech was to perſuade the houſe to inſiſt on the redreſs of

Ann. 1640. grievances before they gave a ſupply: This, he ſaid, was the cuſtom of all parliaments, and now particularly requiſite; he acknowledged that his majeſty's occaſions for money were evident, for the calling of a parliament was an effect which no light cauſe could have produced; he cenſured the conduct of the clergy in a very ſhrewd manner: "I am ſorry theſe men, ſaid he, take no more care to gain our belief of thoſe things which they tell us for our ſoul's health, while we know them ſo manifeſtly in the wrong in that which concerns the liberties and privileges of the ſubjects of England: But they gain preferment, and then 'tis no matter though they neither believe themſelves, or are believed by others. Yet ſince they are ſo ready to let looſe the conſcience of the King, we ought the more carefully to provide for our protection againſt this pulpit-law, by reinforcing the municipal laws of the kingdom. It is worthy the obſerving how new this opinion, or rather this way of riſing, is, even among themſelves. Mr. Hooker, who was no refractory man (as they term it) thinks, that the firſt government was arbitrary, till it was found that to live by one man's will became all mens miſery; and if we look farther, our hiſtories will tell us that the prelates of this kingdom have often been mediators between the King and his ſubjects, to pray redreſs of their grievances. They then had love and reverence from the people."

Mr. Waller's motion, that the redreſs of grievances ſhould precede the ſupply, was aſſented to by the houſe, and it was ordered that the Lords ſhould be conſulted on this ſubject. Matter was prepared for the conference, and the grievances divided into three claſſes, according to

to the order Mr. Pym had uſed in his ſpeech: Firſt, concerning innovations in matters of religion; ſecondly, property of goods; thirdly, liberties and privileges of parliament *. Charles, hearing what was going forward in the lower houſe, went to the Lords in a great rage; told them, that the Commons had put the cart before the horſe; that inſtead of performing his occaſions, they had held conſultations of innovations in religion, property of goods, and privileges of parliament; that as for religion, his heart and conſcience was with the religion now eſtabliſhed in the church of England †; that if the houſe of Commons would but truſt him, he would make good what he promiſed by the lord-keeper ‡. "I conjure your lordſhips, added he, conſider your own honour, and the prepoſterous courſe of the Commons; and deſire that your lordſhips will not join with them, but leave them to themſelves. I deſire you to be careful in this point; elſe, if the ſupply come not in time, I will not ſay what miſchief may and muſt follow." Ann. 1640. Journals of Commons, vol. II. p. 11.

The Lords, confiding on the large promiſes made by the King, or overcome by his importunity, or depending

* Mr. Pym was appointed for the firſt claſs, and to make the introduction to the whole buſineſs; Mr. St. John for the ſecond; and Mr. Holbourne for the third. *Parl. Hiſt.* vol. VIII. p. 456.

† The fopperies of Laud's religion, which Charles had eſtabliſhed in the church, was one of the prime grievances that the Commons complained of.

‡ By what may be gathered from the hints which fell from the King and the lord-keeper, the graces Charles was to grant to his people, after the obtaining a ſupply, were, that if the Commons would grant him the tax of ſhip-money, with tonnage and poundage, he would accept them as a gift, and not raiſe them by virtue of prerogative.

Ann. 1640. on the ſuperior virtue of the houſe of Commons, determined to put the taſk of a refuſal on them: they voted, that the ſupply ſhould have precedency, and be reſolved upon before any other matter whatſoever; and that there ſhould be a conference with the houſe of Commons, in order to diſpoſe them thereto *. The King ſent to thank the Lords for this reſolution, and to aſſure them, that nothing was more agreeable to him than to have a good underſtanding with their lordſhips. Their advice on this ſubject was no ſooner reported to the Commons, than that temper, or rather lukewarmneſs, which had hitherto appeared to have infected their counſels, entirely vaniſhed; they grew warm, and with unanimous conſent voted it to be ſo high a breach of privilege, that they could not proceed upon any other matter until they had firſt received ſatisfaction from the upper houſe.

MS. Journ. of the Lords.

THE next day Mr. Pym, in the name of the Commons, gave the Lords to underſtand, that it was not their province to meddle with the matter of ſupply till it ſhould be moved to them by the Commons; that if they had taken any notice of orders in their houſe concerning religion, property, and privileges, that theſe were to precede a ſupply, that then they would freely join with the Commons in thoſe things; but, for the future, they

* One Edward Bradſhaw, for ſelling falſe protections, was by the Lords committed to the Fleet, ſentenced to ſtand in the pillory at two places, fined one hundred pounds, and ſent to the houſe of correction till he found ſureties for his good behaviour; as he was a gentleman born, they remitted the puniſhment of whipping. *MS. Journal of the Lords*, vol. I.

deſired them to take no notice of what ſhould be debated in their houſe till themſelves ſhould declare it to their lordſhips *. The Lords ſeemed at firſt determined to reſent the free expoſtulations of the Commons, but at length became ſenſible of their error, and acknowledged the privileges of the Commons in this point, withal intreating them not to let the difference be an occaſion of waſting time; but that they would proceed in their own way on the weighty affairs of the kingdom †. The manner in which this acknowledgment was made being not full enough, or in other particulars not pleaſing to the Commons, they were preparing a proteſtation to be ſent up to the houſe of Peers, and to be entered in their own Journal, when

Ann. 1640.

Clarendon, vol. I. p. 106, & ſeq.

* In this diſpute the Commons inſiſted, that the money-bills, after they had paſſed their houſe, and were conſented to by the Lords, ought to be re-delivered, and by their ſpeaker preſented to the King, as their free gift and donation. *Parl. Hiſt.* vol. VIII. p. 462.

† The Lords began the ſeſſion with a very different ſpirit from what they ſhewed in the important point of ſupply. They objected to Manwaring biſhop of St. David's ſitting among them; read over the declaration of the Commons, and their own ſentence againſt him, and put that buſineſs into the hands of a committee; when the King ſent to aſſure them, that he had given command that Manwaring ſhould not ſit in parliament, nor ſend a proxy. The earl of Middleſex petitioned them for leave to take his ſeat amongſt them: this the houſe did not this ſeſſion determine in his favour, though the King had ſent him a writ of ſummons. Theſe ſpirited proceedings were puſhed on by the popular party in the houſe; but when affairs began to grow to a criſis, and the miniſtry found it neceſſary to make uſe of threats and promiſes, thoſe peers who were by fortune and inclination entirely independent of the court found themſelves too inconſiderable a body to make any oppoſition to that undue influence which prevailed in the upper houſe. *MS. Journals of the Lords*, vol. I.

Ann. 1640. they received, by Sir Henry Vane ſecretary of ſtate, and treaſurer of the houſhold, a meſſage from the King, importing, that he had by divers ways acquainted the houſe with his urgent neceſſity for a ſupply, and had hitherto received no anſwer; he did again deſire them to give him a preſent anſwer concerning this buſineſs *. After a long debate on this meſſage, the houſe came to no other reſolution than that the debate ſhould be reſumed on Monday in the next week, and deſired that his majeſty might be acquainted with their determination. On the day appointed for farther debate, they received another meſſage, to the following purport: That his majeſty, the better to facilitate their reſolutions, thought fit to let them know, that of his grace and favour he was pleaſed, upon their granting twelve ſubſidies, to be preſently paſſed, and to be paid in three years, with a proviſo that it ſhould not determine the ſeſſion, not only for the preſent to forbear the farther levying of ſhip-money, but would alſo give way to the utter aboliſhing it by any courſe that themſelves ſhould like beſt; and for their grievances, his majeſty would, according to his royal promiſe, give them as much time as could be now, and the next Michaelmas: He expected a preſent and poſitive anſwer, upon which he might rely, his affairs being in ſuch a condition as could endure no longer

Saturday, 2 May.

Parl. Hiſt. vol. VIII. p. 467.

* Clarendon tells us, that in one of the King's meſſages to the Commons he took notice of what had paſſed in their houſe concerning ſhip-money, and concerning the difference that ſubſiſted between them and the Lords; a circumſtance which, this author admits, might have given room for exceptions in point of privilege, the King not being allowed, by the cuſtom of parliament, to obſerve on what paſſes in either houſe till the ſame ſhould be declared by themſelves in due form.

delay.

delay. It is affirmed by Clarendon, who was at this time a member of the lower houſe, that the majority of the Commons ſeemed greatly diſpoſed to grant a ſupply, though not in the ſame proportion or manner as was dictated in the King's meſſage *: many obſerved, that to purchaſe the releaſe of the impoſition of ſhip-money would be acknowledging a right in the crown to exact it; they wiſhed that matter might be examined and declared void, and then what they preſented to the King would appear a gift, not a recompence. Every other member in the houſe but thoſe who were ſupported by the court, excepted againſt the largeneſs of the demanded ſum †. Ann. 1640.

THE aſſembly being greatly agitated by theſe two objections, they adjourned the debate till next day ‡, when

* This attempt to engage the parliament to buy off a tax the King had no right to impoſe, had ſucceeded in Ireland.

† Some men, who were thought to underſtand the ſtate of the nation, affirmed in the houſe, that the amount of twelve ſubſidies was a greater ſum than could be found in all England; ſuch was the happy ignorance and inexperience of thoſe times, ſays Mr. Hume, in regard to taxes. *Hume's Hiſt.* vol. I. p. 241.

‡ Theſe were the objections publicly declared; the private diſcourſe in the houſe was in a different ſtrain. The King, they ſaid, preſſed the neceſſity of a ſpeedy ſupply; yet if the meeting of the parliament had not purpoſely been delayed till ſo near the commencement of military operations, there had been leiſure ſufficient to have redreſſed all national grievances. Others plainly ſaid, that the King demanded ſupplies to carry on a civil war; that the authors of thoſe grievances of which the Scots complained, and which had driven them into ſuch deſperate courſes, were the cauſers of the grievances under which the Engliſh nation had long groaned; and the cutting off thoſe incendia-

Ann. 1640. Mr. Hampden, whoſe patriotic exertions in the caſe of ſhip-money, had obtained him an almoſt-univerſal popularity, obſerving the temper of the houſe, very judiciouſly put a queſtion that would meet with both the objections that had been made to the King's meſſage: Whether the houſe would conſent to the propoſition made by the King, as it was contained in the meſſage? Hampden's queſtion was called for by many; when Serjeant Glanville the ſpeaker, who at this time had ſome dependence on the courtiers *, earneſtly preſſed the houſe to comply with the King's requeſt. He endeavoured to prevail with thoſe who thought the proportion too large, by ſpecifying the ſmall ſum which he himſelf ſhould pay towards this tax out of a large eſtate which he poſſeſſed. In the warmth of his diſcourſe he could not help flinging out ſome ſevere expreſſions againſt ſhip-money; which, notwithſtanding the zeal he had ſhewed for gratifying the King, according to Clarendon, ſhook his intereſt at court. Glanville's ſpeech having made ſome impreſſion on the houſe, Mr. Hyde a lawyer, who was afterwards created earl of Clarendon, and who at this time was eagerly looking towards preferment, being intimate with Laud, and a favourite of that prelate on

ries would be the only ſafe, eaſy, and honourable cure; that what the Scots had done for the recovery of their Liberty ought not to be deemed illegal; that nothing could be more unjuſt than to ſubdue them to ſlavery by Engliſh forces, and would terminate in ſupporting that unlimited power which was ſet up in England. *Hume*, vol. I. p 241. *May's Hiſt of the Parliament of England*, ed. 1647, p. 60. *Acherley's Britannic Conſtitution*, ed. 1727, p. 396.

* Glanville had been a great oppoſer of the illegalities of the adminiſtration; but Whitlock tells us, he had engaged to be a good ſervant to the King this parliament. *Whitlock*, p. 32.

account

account of his high-church principles *, objected to the queſtion put by Hampden, as a captious one, and propoſed that it might be only put, "Whether they ſhould give the King a ſupply or not?" if that was carried in the affirmative, another queſtion might be put on the proportion and the manner. Whilſt the houſe was divided between the different queſtions propoſed by Mr. Hyde and Mr. Hampden, ſome calling for one, ſome for the other, Sir Henry Vane ſtood up, and ſaid, "He could aſſure the houſe that the putting and carrying Mr. Hyde's queſtion could be of no uſe, for that he had authority to tell them that the King would accept of nothing that was not in the proportion and manner contained in his meſſage." Upon this the houſe aroſe. The King being told, that if they came together again, they would not only endeavour to aboliſh ſhip-money, and other illegal branches of the revenue, but declare a diſapprobation of the intended war againſt the Scots, haſtily determined to diſſolve them: this he did the next morning †. Ann. 1640.

Diſſolution of the parliament, 5 May.

* He performed ſome ſervices for the archbiſhop in the buſineſs of raiſing money towards the building of St. Paul's. He tells us, in the Hiſtory of his own Life, that Laud's patronage procured him the countenance of all the judges at Weſtminſter Hall; and in another place of this work, that the favour of the archbiſhop of Canterbury, the lord Coventry, the lord-privy-ſeal, the lord-chamberlain, the lord Holland, and other perſons of intereſt in the court, made people think that he would make what progreſs he deſired in his profeſſion. *Life of Clarendon*, ed. 1761, vol. I. p. 27, 60, & *ſeq.*

† Such was the King's fear that the Commons would proceed to ſome ſpirited declaration, that he ſent for the ſpeaker in the morning before the houſe met, and would not ſuffer him to go out of his ſight till after he had diſſolved them.

Ann. 1640. AFTER many gracious expreſſions to the Lords on the complaiſant part they had acted this ſeſſion, he told them, " That the Commons had inſiſted much on grievances; that there might be ſome, but he could confidently affirm that there were not by many degrees ſo many as the public voice did make; that out of parliament he ſhould be as ready, if not more willing, to hear any juſt grievance, as in parliament. There is one thing, added he, much ſpoken of; I mean as to matters of religion; concerning which, albeit I expreſſed myſelf fully the laſt day in this place, yet I think it fit again to tell you, that as I am concerned, ſo I ſhall be moſt careful to preſerve that purity of religion which, I thank God, is ſo well eſtabliſhed in the church of England; and that as well out of as in parliament, I will end as I have begun, in giving your lordſhips thanks for the care you have of my honour and affairs, deſiring you to go on, and aſſiſt me in the maintaining of my government, and the liberties of my people, that they now ſo much ſtartle at: For, my lords, no king in the world ſhall be more careful to maintain the property of their goods, the liberties of their perſons, and the true religion, than I ſhall be."

IT muſt be owned, that this ſpeech carries with it ſtrong marks of that obſtinacy of opinion which is ſo glaring in the character of Charles, at the ſame time that it fully ſhews that falſe light in which he viewed all the illegal meaſures he had purſued; a deluſion which muſt ever have prevented him from correcting the errors of his government. He was certainly ſincere when he declared himſelf ready to redreſs any juſt grievances

grievances out of parliament; becauſe he did not reckon Ann. 1640.
impoſitions, or the enlarged power of the arbitrary courts, under the denomination of juſt grievances. He ſpoke with truth when he ſaid he ſhould be careful to preſerve the purity of the church of England; for he thought that conſiſted in the power and grandeur of prelates, and thoſe innovations which had with ſuch ſeverity been impoſed by Laud. It was in this view of things that he ſo often promiſed, by the lord-keeper, that if the Commons would grant him a ſupply he would not be deaf to their reaſonable demands; but certainly thoſe reaſonable demands would have been reduced to ſuch a trifling, equivocal claſs of grievances, that the miniſtry might have parted with them on much eaſier terms than a ſupply ſufficient to reduce the Northern dominions to the deſired ſtate of ſlavery. It would have been the utmoſt folly in the Commons to have put out of their hands the only weapon with which they were armed to defend themſelves and the conſtitution againſt the venom of thoſe arbitrary principles which had viſibly taken deep root in the King and his council; yet, according to Clarendon's account, the King had the majority of this parliament in his favour, and the partizans of Liberty were obliged to have recourſe to art to prevent a good underſtanding from ſubſiſting between the court and the houſe of Commons.

THE heads of the popular party being ſenſible that all was at ſtake, and having perhaps entered into deep communication with the Scotch covenanters, like men who had every thing to loſe, were anxious for the ſucceſs of the event, though the odds were viſibly in their favour.

Ann. 1640. favour. It is alſo reaſonable to believe, that they exerted all their abilities to bring on concluſions that would diſappoint the hopes of their enemies; and that they rejoiced in the diſſolution of an aſſembly which did not appear properly affected with the preſent ſituation of affairs, or properly warmed againſt the ſpoilers of public Liberty *. But can it be imagined, that an Engliſh houſe of Commons, who all this reign, and the greateſt part of the preceding one, had ſo vigorouſly defended their own peculiar privileges, and the liberties of their country, had ſo magnanimouſly and reſolutely withſtood both the threats and entreaties of the court, and ſtrenuouſly maintained that conſtitutional maxim, "No redreſs of grievances, no money:" Can it be imagined, that, after they had declared their liberties violated in the moſt eſſential point, by the tranſactions immediately preceding the diſſolution of the laſt parliament, and by the ſucceeding impriſonment of their members, after an almoſt twelve years intermiſſion of parliaments, at a period when deſigns were manifeſtly formed for the entire ſuppreſſing the liberties of the nation: Can it be imagined,

* Clarendon relates, that within an hour after the diſſolution of the parliament, he met Mr. St. John, that eminent lawyer who had pleaded ſo ably for Mr. Hampden in the caſe of ſhip-money; that though Mr. St. John had naturally a cloudy aſpect, he then wore a moſt chearful one, and perceiving that Mr. Hyde was melancholy, he aſked what troubled him? Hyde replied, the ſame that troubled him, he believed, troubled moſt good men; that in ſuch a time of confuſion, ſo wiſe a parliament, which alone could have found remedy for it, was ſo unſeaſonably diſmiſſed. Mr. St. John anſwered with ſome warmth, that all was well; that things muſt be worſe before they could be better; that parliament could never have done what was neceſſary to be done. *Clar. Hiſt.* vol. I. p. 110, *& ſeq.*

I ſay,

I ſay, that they would ſo baſely degenerate from the virtue of preceding aſſemblies, as to become dupes to the very men who had been the moſt criminally inſtrumental in altering the nature of the government, and rivet their own fetters by impoſing chains on the Scots? Ann. 1640.

THE temper with which the counſels of this parliament had been conducted, is no well-grounded aſſurance of its flexibility in this point, ſince other parliaments that have begun with great moderation have ended with rigor. The King, on being aſſured that the Commons were on the point of granting him a ſupply, immediately repented a meaſure which he had been hurried into by the fury of the queen and archbiſhop Laud *, as well as by the intemperateneſs of his own diſpoſition, and the artful inſinuations of thoſe of his attendants † who wiſhed well to the popular cauſe.

* Clarendon tells us, that on his hearing ſome diſcourſe among the courtiers as if the King would diſſolve the parliament, he went over to Lambeth to his friend the archbiſhop, and earneſtly perſuaded him to uſe his influence with the King to prevent the diſſolution of a parliament as well conſtituted and diſpoſed towards the preſent government in church and ſtate, as ever houſe of Commons was or would be; that the number of the diſaffected was very ſmall; and though they might obſtruct for ſome time the quick reſolving of what was fit, they would never be able to pervert their good inclinations and deſires to ſerve the King. This aſſurance of the diſpoſition of the houſe had no effect on the archbiſhop, who peeviſhly anſwered Mr. Hyde, "that he had not ſo good an opinion of the affection of the houſe as to perſuade their longer ſitting if the King was inclined to diſſolve them." *Clarendon's Life*, vol. I. p. 74, *& ſeq.*

† It is ſaid that Hamilton, who about this time obtained the releaſe of Lowdon, out of tender regard to his country, promoted the diſſolution of the parliament.

SIR

Ann. 1640. SIR Henry Vane did not eſcape cenſure on this occaſion: he has been accuſed of demanding twelve ſubſidies; and afterwards, without proper authority, aſſerting to the houſe, that the King would not accept of leſs. This ſtateſman had been long at enmity with the earl of Strafford, who had lately highly offended him by inſiſting on being created baron of Raby, a houſe then belonging to Sir Henry Vane. It is ſuppoſed, therefore, that he was induced to act this politic part in order to diſſolve a parliament whoſe conduct did not promiſe vigor enough to bring to juſtice the culprits of the ſtate, among whom Strafford ſtood the foremoſt in almoſt every man's opinion. Though private enmity, and other mean paſſions, are too often the motives that induce men to actions leading to public utility, yet from ſeveral circumſtances it is probable, that this charge againſt Sir Henry Vane was without foundation, and proceeded entirely from the rancor of a diſappointed faction; ſince, as it is obſerved by a very judicious hiſtorian now living, that meſſages of conſequence are always delivered to the houſe in writing, after they have been thoroughly debated in the cabinet. When Vane aſſured the Commons, that leſs than twelve ſubſidies would not be accepted, he was ſeconded by Herbert the queen's ſolicitor, whoſe behaviour, through the whole ſeſſion, had ſhewed him a very officious tool to the court. Add to this, the privy-counſellors were all preſent, and not one of them oppoſed or contradicted what had been advanced by the ſecretary. It is to be imagined, that Vane, and many others of the King's ſervants who wiſhed to ſee revive in their country the almoſt-extinguiſhed fire of Liberty, were far from exerting themſelves to effect a good underſtanding

Guthrie, vol. III. P. 977.

Clarendon, vol. I. p. 109.

derſtanding between the King and Commons; but that he ſhould not have authority to juſtify him in what he ſo confidently aſſerted is difficult to believe, ſince his enemy Strafford, a man of a moſt implacable diſpoſition, would not have miſſed ſuch an opportunity to have obtained his immediate diſmiſſion from the King's ſervice *. Ann. 1640.

CHARLES attempted to apologize, in a declaration to the public, for this fourth premature diſſolution: As uſual, he laid the blame of what had happened on a few ſeditious perſons in the lower houſe of parliament, which aſſembly, he ſaid, he had called together, hoping that time and experience had made his loving ſubjects ſenſible of the diſtemper the whole kingdom was like to be put into by the ill-governed actions of thoſe men. The declaration ends with an invitation to the ſubjects who had any juſt cauſe of grievances to addreſs themſelves by humble petitions to his ſacred majeſty, who would give ſuch fitting redreſs that his people ſhould have juſt cauſe to acknowlege that no perſons or aſſemblies could more prevail with his majeſty than the piety and juſtice of his own royal nature, and the tender affection he did and ever ſhould bear to all his people. Ruſhworth, vol. III. p. 1160, &ſeq.

* The King, when he began to reflect on the ſituation of his affairs after the diſſolution of the parliament, blamed Sir Henry Vane, and ſaid, that he knew well that the reputation of his ſubjects aſſiſting him in that conjuncture was all that he deſired. This is no contradiction to Sir Henry Vane's having a proper authority for what he aſſerted in the houſe; ſince it might have been reſolved in the cabinet, that leſs than twelve ſubſidies would not ſupply the neceſſity of affairs, or be a fit recompence for the abolition of ſhip-money; and Sir Henry Vane might juſtify himſelf on that reſolution. *Clar.* vol. I. p. 111.

Ann. 1640. THIS declaration, intended to conciliate the affections of the public, is written in the ſtyle of an Eaſtern ſovereign. The King's pretenſions to be the ſole judge and the ſole redreſſer of grievances is, perhaps, as great an inſult as ever was put on a free people, who had claim to any kind of legiſlative capacity, or to any protection from the authority of their laws. Charles, in declaiming on the ill conduct, as he termed it, of the parliament, fully expoſed the unconſtitutional notions he had conceived of the nature of that aſſembly; and his groſs ignorance of the many inſtances in the annals of the Engliſh monarchy in which they had exerted very ample authority, remonſtrated with their princes in the freeſt manner, and refuſed ſupplies when thoſe remonſtrances were not properly regarded. "Whereas, ſaid he, theſe meetings and aſſemblies of his majeſty with the Peers and Commons of this realm were, in their firſt original, and in the practice of all ſucceeding ages, ordained and held as teſtimonies of affection between the King and his people; the King, for his part, graciouſly hearing and redreſſing ſuch grievances as his people in humble and dutiful manner ſhould repreſent unto him; and the ſubjects, on their part, as teſtimonies of their duty, ſupplying his majeſty upon all extraordinary occaſions, for ſupport of his honor and ſovereignty, and for preſerving the kingdom in glory and ſafety. Thoſe ill-affected members of the Houſe of Commons, inſtead of an humble and dutiful way of preſenting their grievances to his majeſty, have taken upon them to be the guides and directors in all matters that concern his majeſty's government, both temporal and eccleſiaſtical; and, as if Kings were bound to give an account of their regal actions, and

and of their manner of government, to their ſubjects aſ- Ann. 1640.
ſembled in parliament, they have, in a very audacious and inſolent way, entered into examination, and cenſuring the preſent government, traduced his majeſty's adminiſtration of juſtice, and, as much as in them lay, rendered odious to the reſt of his majeſty's ſubjects not only the officers and miniſters of ſtate, but even his majeſty's government itſelf; which hath been ſo juſt and gracious, that never did this or any other nation enjoy more bleſſings and happineſs than hath been by all his majeſty's ſubjects enjoyed ever ſince his majeſty's acceſs to the crown *."

HAD the people of England been ever ſo ignorant of their rights and privileges, had they been ever ſo much inclined to take the King's word for the ſuperlative nature of his royal power, yet fair promiſes without actions would not have been a remedy for that general diſſatisfaction which blazed out on the diſſolution of the parliament, a meaſure which convinced the public that the redreſs of their ſufferings depended entirely on their own vigor and reſolute oppoſition to the malice and power of their governors.

THE very day after the diſſolution of the parliament, Acts of power.
the houſes and perſons of the lords Warwick and Brook

* The exordium to this declaration is as follows: "The King's moſt excellent majeſty well knoweth, that the calling, adjourning, proroguing, and diſſolving of parliaments, are undoubted prerogatives, inſeparably annexed to his imperial crown, of which he is not bound to render any account, but to God alone, no more than for his other regal actions." *Ruſhworth*, vol III. p. 1160, *& ſeq.*

Ann. 1640. were ſearched for papers. Henry Bellaſis, knight of the ſhire for the county of York *, and Sir John Hotham, were called before the council, and not making ſatisfactory anſwers to interrogations concerning paſſages in the late parliament, were committed to the Fleet. John Crew Eſquire was ſent cloſe priſoner to the Tower, for refuſing to deliver up the papers that came into his hands, whilſt chairman for the committee of religion, and thus ſcreening from diſcovery the names of ſubſcribers to petitions which complained of innovations in religion, and the proceedings of the High-commiſſion court †. Contrary to the almoſt unvaried cuſtom of the eccleſiaſtical aſſemblies, which ever broke up with the parliament ‡, the convocation continued to ſit: They not only exerted a very dangerous independency by granting, without the ſanction of parliament, a benevolence to the King of four ſhillings in the pound for ſix years; made canons §

Convocation continues to ſit.

* The ſame whom Wentworth had formally proſecuted for not making him a bow.

† He was committed without any cauſe being expreſſed in the warrant. *Ruſhworth*, vol. III. p. 1168.

‡ Finch, Mancheſter, Littleton, and other court-lawyers, gave it as their opinion, that the convocation called by the King's writ was not to conclude but by the King's writ, though the parliament ſhould be diſſolved. They continued, therefore, to ſit as a convocation, and the King granted them a new commiſſion to frame canons. *Heylin's Life of Laud*, p. 429, *&c ſeq.*

§ Several of which were contrary to the fundamental laws of the kingdom, the liberty and property of the ſubject, and the right of parliament. One canon was againſt Popiſh recuſants; another exacted the new ceremonies of placing the communion-table, and approved the bowing towards the Eaſt; another condemned all ſectaries to the ſame penalties mentioned in the canon againſt Popiſh recuſants, and all

approving the new ceremonies of placing the commu- Ann. 1640.
nion-table, and bowing towards the Eaſt; but framed

all thoſe to be excommunicated who ſhould make, import, print, publiſh, or diſperſe, any book or writing againſt the diſcipline and government of the church, and thoſe who ſhould maintain or abet any opinion or doctrine againſt the ſame, and all thoſe who reſorted not to church to join in public worſhip of God, but were content to hear ſermons only; a third ordained, that all ſhould be puniſhed who did not keep holy, and come diligently and reverendly to church, the day of his majeſty's moſt happy inauguration; a fourth concerned regal power. Here Laud's rage and oppoſition to the Scots, the paſſion now uppermoſt in his breaſt, occaſioned him to allow in this canon, that the care of God's church was entirely committed to Kings; that if in the firſt times of Chriſtianity prelates uſed this power, it was only becauſe in thoſe days there were no Chriſtian kings; and in caſe it was required, they were to ſubmit their lives even to Pagan princes. For any perſon or perſons to ſet up, maintain, or avow, any independent power, either directly or indirectly, to undermine the great royal office, was to overthrow the moſt ſacred ordinances which God himſelf had ordained; was treaſonable againſt God, as well as againſt the King. For ſubjects to bear arms againſt their King, offenſive or defenſive, was to reſiſt the powers that were ordained by God; and though they did not invade, but only reſiſt, as St. Paul tells them plainly, they ſhall receive to themſelves damnation. This canon eſtabliſhed every part of Sibthorp's doctrine; reſolved all diſtinctions of regal power into the abſolute monarchy of the Roman empire; and aſſerted, with a blaſphemous extravagance, that Chriſt came into the world to confirm ſuch tyrannies. In the preamble of the canon, it was required to be read upon ſome one Sunday in every quarter of the year; the miniſter was to be ſuſpended on neglect; and no biſhop, prieſt, or miniſter, was to preſume to ſpeak of his majeſty's power any other way than was expreſſed in the canon; all perſons who ſhould maintain any point or doctrine contrary to the ſaid propoſitions and explications, were to be puniſhed with excommunication and a ſuſpenſion of two years, for the firſt offence, and deprivation for the ſecond.

The convocation had taken other things into deliberation; ſuch as a pontifical, which was to contain the form and manner of the King's coronation, to ſerve for a rule on the like occaſions; a form to be ob-

Ann. 1640. an oath to be impoſed on the clergy and graduates of the univerſity; by which they were to ſwear they approved the doctrine and diſcipline of the church of England, and that they would maintain its government by archbiſhops, biſhops, deans, chaplains, &c *. This oath,

ſerved in the conſecrating holy places; and a third for reconciling penitents who had done open penance, or who had revolted from the faith; a fourth for confirmation; and a fifth for ordaining biſhops, prieſts, and deacons. Laud alſo had made a motion for the new printing the Common-Prayer in the Latin tongue; but theſe things could not be brought to concluſion, for their ſitting occaſioned ſuch diſturbance and clamour, that they were obliged to riſe before they had perfected their work.

Among the arbitrary canons framed by this convocation is one entitled, "Concerning Licences to marry." It contains the ſame reſtrictions in granting licences which have been ſince adopted with additional rigor by the legiſlature, and univerſally complained of as a grievance; *viz.* that one of the parties ſhould be reſident a whole month in the juriſdiction of the ordinary immediately before the licence was demanded: As the law now ſtands, one of the parties muſt be reſident a month in the pariſh where they are married, immediately before the ceremony is performed.

This convocation was nominated the moſt holy and ſacred ſynod. Laud opened it with a ſpeech in which he told the members, they were much indebted to the King for empowering them with a privilege they had not enjoyed for many years, the altering and making canons for the better government of the church. All the clergy who from fear or conſcience abſented themſelves from this aſſembly were puniſhed for contumacy, and the biſhop of Glouceſter, becauſe he would not avow that he willingly ſubſcribed to the new-made canons, was ſuſpended from his eccleſiaſtical function, and committed to the Gatehouſe. Beſides the canons which have been already mentioned, there was one which ordained the obſervation of thoſe abſurd articles which had been lately introduced at viſitations. *Heylin*, p. 439. *Fuller's Church Hiſt.* book XI. p. 168. *Nalſon*, vol. I. p. 371, *& ſeq.*

* The miniſters were enjoined by the biſhops to take this oath kneeling. *Fuller's Church Hiſt.* book XI. p. 171.

which

which was deſigned to make the eccleſiaſtics of England as much independent of the legiſlative power as the Scotch covenant, ſo much condemned by Laud, had made their church, was confirmed and approved by Charles, but met with inſurmountable oppoſition from every other quarter. It was looked on with abhorrence by ſome, becauſe in their conſciences they did not approve of the preſent doctrine or diſcipline of the church; by others, becauſe they eſteemed ſuch an impoſition, not ratified by conſent of parliament, illegal; and an oath which contained an *et cætera* in the middle of it was ridiculed by every one. On the prolongation of this eccleſiaſtical aſſembly, the King declared in council, that he had granted ſuch a commiſſion for the remedying all juſt grievances, according to his gracious ſpeech at the diſſolution of the laſt parliament. All the forementioned canons were confirmed by letters-patent under the great ſeal of England, with a command that they ſhould be read by the miniſters in the time of divine ſervice; and that all who had eccleſiaſtical juriſdiction ſhould take ſpecial care that the ſaid canons were in all points duly obſerved, not ſparing to execute the penalties in them ſeverally mentioned, on all wilful tranſgreſſors *. The diſguſts which the people had taken at the continued ſucceſſion of oppreſſive acts of power, obviouſly contrary to the dictates, as well as Ann. 1640.

* The ratifying the illegal ordinances of this aſſembly; the act of violence on the lords Brook and Warwick, in ſearching their ſtudies and pockets for papers; with the unlawful commitment of the late members of the lower houſe; were, according to Charles's ſenſe of theſe matters, an entire fulfilling the promiſes he had made of remedying juſt grievances, and taking a proper care of the liberties of the ſubject. *Ruſhworth*, vol. III. p. 1172.

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Ann. 1640. the ſpirit of the conſtitution, were now come to maturity, and ſymptoms began to appear which threatened violent convulſions in the body politic. A large number of apprentices, with others of the lower ſort, beſet the archbiſhop's houſe at Lambeth, and one of them, only becauſe there happened to be a drum in company, was taken and tried for treaſon, and, on the ſtatute of 25 Ed. III. condemned, and accordingly hanged, drawn, and quartered, and his limbs ſet on London-Bridge. Notwithſtanding this ſevere example, the King was obliged to appoint both horſe and foot to ſecure the paſſages about Lambeth, and guard the convocation, with a double guard to preſerve them from the fury of the populace. A body of two thouſand people entered St. Paul's cathedral, where the High-commiſſion court ſat, and pulled down the benches, crying, "No High-commiſſion! no biſhop!"

Whitlock, p. 33.

SHIP-MONEY was every where diſputed; the ſheriffs were not only threatened by the council, but the attorney-general was required to ſend for the ſheriffs of the counties of London, Middleſex, York, Berks, Surry, Leiceſter, Eſſex, and Northampton, to examine them, and to proceed againſt them as he ſhould ſee cauſe for their contempt in ſo important a ſervice. The court and city entered into cloſe cabals. The King had his private juntos, of which Sir Henry Vane, notwithſtanding Clarendon's aſſertion that he was at this time ſuſpected of treachery, was always one *; and the heads of the diſ-

Ruſhworth, vol. III. p. 1173, 1182.

* As a farther proof that a confidence was at this time placed in Sir Henry Vane, Charles, having a ſuſpicion that his ſecret counſels were betrayed, iſſued out a ridiculous commiſſion to Sir Henry Vane, and other his chief counſellors, to examine and enquire, by depoſition of witneſſes upon oath, who were the people that revealed the King's ſecrets. *Guthrie*, vol. III. p. 981. *Nalſon*, vol. I. p. 344.

contented party had their meetings and councils with the agents of the covenanters. The King was now obliged to have recourſe to his power to ſupply his urgent neceſſities; the money the convocation had granted him, amounted to an hundred and twenty thouſand pounds *: But this, with the ſum he had raiſed from his other friends and dependents, being not ſufficient to defray the expence of the great preparations that were making againſt the Scots, he attempted to force the city of London into a loan of two hundred thouſand pounds. The riſing ſpirit of Liberty repelled the attack, and the

Ann. 1640. Impoſitions.

* It is ſaid that the King found friends enough in the kingdom to raiſe a ſubſcription of three hundred thouſand pounds; but perhaps this ſupply, mentioned by ſeveral authors, is no other than the loan raiſed previous to the meeting of the parliament; becauſe had he had intereſt enough in the kingdom to obtain two ſuch large ſubſcriptions, he could not have been in the diſtreſſed circumſtances which it is very certain he was in at this time. Northumberland writes to the earl of Leiceſter, that notwithſtanding the unhappy breach of parliament, the King deſigned to levy an army of thirty thouſand foot and three thouſand horſe: "But, adds he, I cannot learn by what means we are certain to get one ſhilling to pay the expence. It grieves my ſoul to be engaged in ſuch counſels." It is worth obſerving, that ſuch was the diſſipation of the Engliſh court, that at the time when Charles was in great ſtraits, when preparations were making for a war againſt the Scots, the King and queen began to practiſe a maſk: Northumberland writes to the counteſs of Leiceſter, "I aſſure you their majeſties are not leſs buſy now than you have formerly ſeen them at ſuch exerciſes;" and in another place, "The King is daily ſo employed about the maſk, that till that is over we ſhall think of nothing elſe." Fourteen hundred pounds was appointed for the charge of one of theſe entertainments. *Sydney's State Papers*, vol. II. p. 531, 621, 629.

Ann. 1640. King was obliged to content himſelf with the pitiful, yet dangerous, revenge of impriſoning three aldermen for refuſing to collect the names of thoſe who were able to contribute towards the demanded ſum; and proſecuting in the Star-chamber the lord-mayor and aldermen for not diſtraining citizens who had not paid ſhip-money *. The bullion in the Tower was ſeized, and forty thouſand pounds forcibly borrowed from the merchants to redeem the reſt. All the pepper was bought of the Eaſt-India company upon truſt, and ſold again at a great diſcount for ready money †. The reſolution of debaſing the coin, by mixing two or three hundred thouſand pounds of copper money with a fourth part ſilver, was with difficulty diverted by a very ſtrenuous diſcourſe of Sir Thomas Rowe, in which he ſtrongly repreſented the many inconveniencies and fatal conſequences that might follow. Coat and conduct-money was again exacted ‡, and the city of London was ordered to furniſh it for four thouſand men. Knighthood-money was ſet on foot, with the commiſſion of array, and thoſe who held lands *in capite* of the King, were ſummoned to ſend men, horſes, and arms.

Ruſhworth, vol. III. p. 1188, &ſeq.

* An order was at this time iſſued to take the ſword from the lord-mayor. *Memoirs of Edmund Ludlow*, ed. 1721, p. 4.

† The thoughts of a croſs-marriage with the court of Spain was again renewed, and an attempt was at this time made to procure a ſum of money from that king. *Sydney's State Papers*, vol. II. p. 655.

‡ The payment of it was almoſt every where refuſed; and innumerable warrants were ſent from the council to commit refractory perſons, and conſtables and lower officers who had neglected to make returns. *Ruſhworth*, vol. III. p. 1202, *& ſeq.*

THESE various exactions occaſioned a repreſentation Ann. 1640. from the deputy-lieutenants, ſetting forth, that the gentry did not know which ſervice perſonally to apply themſelves to; that which the commiſſion of array required, namely, the putting the trained bands in a readineſs to march, or the other according to eſcuage, and tenures in knight-ſervice; and deſiring to be informed how the money ſhould be raiſed for the charge of the ſaid bands and forces, when required to march. The council ſolved theſe difficulties by the following directions: That the ſervice impoſed upon the trained bands and other forces, were to be performed by every man in his own perſon; for the attendance on his majeſty, required by the other proclamations, according to the tenures in knights-ſervice, it might be done by deputy, or elſe by way of compoſition; and for the difficulty how to provide for the charge of the forces, when they ſhould march, they were to ſerve at their own expence *. If the noblemen and gentry ſhewed a kind of timid reſiſtance to oppreſſions that were every day multiplying, the brave and ſpirited commonalty continued to exhibit ſymptoms of a more formidable diſpoſition. Mutinies aroſe among the ſoldiers; they openly avowed diſtaſte to the cauſe for which they were to fight, ran from their colours, and laid violent hands on ſeveral of their commanders, whom they ſuſpected to be Papiſts †. Such was the general ap-

Ruſhworth, vol. III. p. 1194, &ſeq.

* Theſe warlike preparations were required to be ſo entirely at the expence of the ſubject, that they were obliged to buy all their gunpowder at an exceſſive rate of the King.

† In the orders of the privy-council concerning theſe are complaints that the deputy-lieutenants, and others to whom that buſineſs appertained,

Ann. 1640. Pearance of affairs in England; an appearance which might ſtrike terror to a leſs guilty adminiſtration!

WHILE the King and council were thus buſied, the Scots had not been idle in reforming the abuſes of church and ſtate, and making neceſſary preparations to defend their pretenſions *. Their parliament having been prorogued till the ſecond of June, on that day they aſſembled. The King ſent down an order for a ſecond prorogation; but there being a deficiency of form in the commiſſion by which it was to be executed, the parliament made uſe of this omiſſion to finiſh their buſineſs: After paſſing ſeveral ſalutary acts, they entered into a bond for adhering to them, and proſecuting the incendiaries of the kingdom. They raiſed a more numerous body of troops than they were able to bring into the field the laſt year, and exacted a tenth penny throughout the land; large ſums were borrowed upon truſt, and the Scotch-women, imitating the Roman matrons on a like memorable occaſion, gave up their jewels and ornaments to ſupply the neceſſity of their country. The Scotch army, though more numerous, was ſooner ready than

tained, were ſo backward in aſſiſting the officers in puniſhing and reducing the mal-contents, and in the raiſing of hue-and-cries for the apprehending thoſe who ran away, that they ſeemed to foment, rather than endeavour to ſuppreſs theſe mutinies. *Ruſhworth*, vol. III. p. 1191.

* So powerfully did the ſpirit of order and unanimity reign among this people during their ſtruggles for Liberty, that though neither council nor ſeſſions, nor any other regular court of judicature ſat, and though their meetings were very numerous, yet they had not been diſturbed either with tumult, riot, or exceſs of any kind. *Scots Declaration, Nalſon*, vol. I. p. 521.

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the King's: They beſieged and took Edinburgh-caſtle, Ann. 1640. and then marched towards the borders of England, under the command of general Leſley.

THE army that Charles had raiſed to oppoſe them conſiſted of twenty thouſand foot and two thouſand horſe. All the generals which had ſerved in the laſt campaign were laid aſide, becauſe they were not in friendſhip enough with Strafford, who was the ſoul of this buſineſs *, to enter with alacrity into all his counſels. The earl of Northumberland, who, though a great favourite both of Strafford and Laud, had conducted himſelf in a manner not to have loſt all popularity, was for this reaſon appointed general. Strafford, after having raiſed eight thouſand men in Ireland, which he left to the care of his creature, the earl of Ormond, came over from that country to command as lieutenant-general; and the lord Conway, a great debauchee, notwithſtanding his character as a ſoldier had ſuffered in the expedition to the iſle of Rhe, was, from the ſole merit of being devoted to the court, and talking to Laud of church-matters in his own ſtyle, appointed general of the horſe.

AMONG the other advantages of the Petition of Right, it had aboliſhed court-martials, and the lawyers, who now began to think the day of reckoning might be near, had declared, that martial law could not be exerciſed till the Scots had invaded England. The generals, notwithſtanding this, had executed a mutineer, and applied for Ruſhworth, vol. III. p. 1199, &ſeq.

* It was by Strafford's advice, that the generals who ſerved in the laſt campaign were laid aſide. *Lloyd's Worthies*, p. 29.

Ann. 1640. a pardon to the crown. On this occaſion the forward Conway gave it as his advice, that the King ſhould grant a commiſſion for the execution of martial law, on his own authority; and if any lawyer was ſo imprudent as to diſcover the ſecret of its illegality to the ſoldiers, it would be neceſſary to refute him, and hang the lawyer himſelf by the ſentence of a court-martial: "For, ſaid he, the ſoldier may bring the country to reaſon on their diſobedience in regard to ſhip-money, but who ſhall compel the ſoldier?"

NORTHUMBERLAND ſo much diſtaſted the being called forth to act the moſt conſpicuous part in a buſineſs which no good man in the kingdom reliſhed, that he made uſe of a ſlight indiſpoſition to declare himſelf totally unfit to perform the offices of his function*; and Strafford, tho' really in an ill ſtate of health, but too much intereſted to be inactive, exerciſed the ſupreme command in his ſtead, but ſtill with the title of lieutenant-general; not caring, in this critical juncture, to aſſume that of general, becauſe of the extreme envy and popular odium that attended him.

* Whilſt affairs carried a different appearance, he attached himſelf to Strafford and Laud, and had the art to inſinuate himſelf ſo much into their good graces as to make them the means of obtaining what he deſired of the King. Nevertheleſs, he had a diſlike to both his benefactors: He writes ſlightingly of Strafford; and of Laud he ſays, "That for a man to think well of the reformed religion was enough to make that prelate his enemy." When the popular party began to grow formidable, he withdrew himſelf from the ſtate-cabal, and engaged with the oppoſite faction. *Sydney's State Papers*, vol. II. p. 623.

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THE Scots, notwithſtanding their warlike equipage, continued to preſerve the utmoſt decorum of language and manner. On their entry into England, they diſperſed two large remonſtrances: In theſe they ſet forth, in a ſtrong manner, the nature of their provocations. They had not only for many years patiently ſuffered, they ſaid, the tyranny and inſolence of prelates, and their continual oppoſition to the truth and power of religion, but alſo the violation of all their liberties, and almoſt the total ſubverſion of their religion; that when groſs Popery was obtruded upon them in the book of Canons and Common-Prayer, their petition to the King on this head was utterly rejected, and they forbid to inſiſt under the pain of treaſon; that when nothing leſs than a total ſubverſion of all their liberties would ſatisfy the pride and malice of their enemies, and when the King was marching towards them with a great army, rather than fall in ſeeming diſobedience to their ſovereign, or give the ſmalleſt diſtaſte to their brethren in England, they complied ſo far with his majeſty's pleaſure, that, notwithſtanding the determinations of their lawful aſſembly, they were contented that a new free aſſembly and parliament ſhould be appointed, where all things concerning their religion and liberties might again be conſidered and eſtabliſhed: But when, according to the articles of pacification, matters eccleſiaſtical were determined in the aſſembly, according to the conſtitution of the church, and his majeſty's high-commiſſioner had promiſed to ratify them in parliament, the parliament convened for perfecting the work was prorogued, contrary to the laws and cuſtoms of the kingdom; war was determined againſt them at the council-table of England, without

Ann. 1640. The Scotch army enters England.

Ann. 1640. without hearing what their commiſſioners had to ſay in their defence; the petition of their parliament was rejected; their commiſſioners reſtrained; one of their noblemen impriſoned; garriſons of ſtrangers ſet over them, who had exerciſed cruelty even againſt women and children; their ſhips and goods taken and ſunk *; the owners ſtripped naked †, and more cruelly uſed by the ſubjects of their own King than by Turks and infidels; great armies prepared againſt them, with a terrible commiſſion to ſubdue and deſtroy them, their Religion, Liberty, and Laws.

THESE their intolerable evils and provocations, they ſaid, proceeded from the biſhop of Canterbury, the lieutenant of Ireland, with the Hiſpanioliſed Papiſts, a too powerful faction in England, who had driven them to the neceſſity of this invaſion, to ſtir up the Engliſh againſt them, that they might with their own ſwords extirpate their religion, and be made the authors of the ſlavery of both nations: The purſuing theſe incendiaries, and demanding juſtice againſt them of the King and parliament of England, was not coming againſt England, as their enemies would inſinuate: That there could be no juſt cauſe of a national grievance, ſeeing the kingdom of England, convened in parliament, had refuſed to contribute to any ſupply againſt them; and this when the parliament

* Their ſhips were arreſted in the ports of England and Ireland. In their remonſtrance they ſay, that they forbore to make repriſals on the ſhips and goods of their dear brethren in England. *Monteth's Hiſt. of the Troubles of Great Britain*, p. 55.

† The garriſon of the caſtle of Edinburgh committed acts of hoſtility upon the city and its inhabitants. *Id. ibid.*

liament of Ireland had offered their perſons and eſtates for that purpoſe; when all plots and policies were ſet to work; when public declarations by authority were made; when they were proclaimed traitors and rebels at every pariſh-church *: Yet, ſo wiſe, ſo grave, ſo juſt was that high court of parliament, that no threatenings nor fears, no promiſes nor hopes, no fineſſe nor cunningly-deviſed ſuggeſtion, could move them to grant any ſubſidy for a war againſt their brethren; but rather, by their ſpeeches, grievances, and complaints, as much as in them was, did juſtify the cauſe which they defended. This recent favour did ſo bind their hearts, that if their power was never ſo great, they ſhould judge themſelves the moſt unworthy of men, and could look for no leſs than vengeance from the righteous God, if they ſhould act againſt a nation ſo repreſented to them in that honourable meeting. In this their thankful acknowledgment, they deſired the city of London might have their own large ſhare for the noble profeſſions they had given of their conſtant affection for religion, and the peace of both kingdoms, notwithſtanding the continual aſſaults of the miſleaders of the King againſt them, always rendering them ſeditious in his ears. This was followed by a ſolemn oath, that the Scots intended no enmity or rapine, and that they would take no mens goods, or engage themſelves in blood, unleſs they were forced to it; that they would not take from their friends and brethren, but for their own money and juſt payment. The

Ann. 1640.

* The King publiſhed a proclamation, which declared the Scots and their adherents rebels; and a prayer was publiſhed, and ordered to be read in all churches, for the King's ſucceſs in his expedition againſt the rebels of Scotland. *Whitlock*, p. 33.

Ann. 1640. foul of wiſdom taught, that both nations muſt ſtand or fall together; that the devices of the enemy were for the oppreſſing of both: they come among them very ſenſible of their paſt ſufferings and preſent dangers, both in Religion and Liberties, and moſt willing to do them all the good they could, for the help they had given them at the Reformation, in freeing them from the French: That in return they did expect, from the ſenſe of their intolerable diſtreſs which forced them from their own country, that the Engliſh would join and concur with them in noble ways to obtain their juſt deſires; and when their means were ſpent, would, upon a ſufficient ſecurity of payment, provide what was neceſſary for the entertainment of their army.

THESE remonſtrances ended with an aſſurance that the Scots would demand nothing of the King, but the ſettling and ſecuring of the true Religion and Liberties of their country, according to the conſtitutions and acts of the late aſſemblies and parliament, and what a juſt prince owed, by the laws of God and nature, to his grieved ſubjects; that their abode in England ſhould be no longer than their juſt grievances might be heard and redreſſed by the Engliſh parliament, and ſufficient aſſurance given them for the legal trial and puniſhment of the authors of evil to the two nations, and for the ſettling the Religion and Liberties of both in peace againſt the machinations of Romiſh contrivance, acted by their degenerate countrymen; that their return ſhould be with expedition, peace, and order; that if the Lord ſhould bleſs their endeavours, and their intentions were not croſſed by the oppoſition of the Engliſh, the fruits would be ſweet, and the

the effects good to both nations and their poſterity, and Ann. 1640.
to the reformed churches abroad; Scotland would be reformed, as at the beginning; the Reformation in England, long prayed and pleaded for by the godly, would be according to their wiſhes and deſires, perfected in doctrine, worſhip, and diſcipline; Papiſts, prelates, and all the members of the antichriſtian hierarchy, with their idolatry, ſuperſtition, and human inventions, packed off, and the names of Sects and Separatiſts would no more be mentioned.

IF, when the laſt Engliſh parliament was ſummoned, there remained in the majority of the nation a tenderneſs towards the power of their monarch, and the dignity of the prelates, that diſpoſition no longer exiſted: the diſſolution of a parliament, which, during the twelve years remiſſion of thoſe aſſemblies, had been ſo impatiently expected, and ſo much depended on for the redreſs of grievances; the innumerable oppreſſions which had been crouded into the ſhort ſpace between that diſſolution and the invaſion of the Scots; with the exorbitances of the convocation; wrought ſo powerful an effect on the minds of men, that the threatenings theſe remonſtrances breathed out againſt prelates were pleaſing to the generality of the Engliſh; and the ſharp expreſſions againſt the form and diſcipline of their church, gave very few but the court-faction diſguſt. The whole of theſe declarations tended ſo much to gather the affections of men in their preſent ſtate of diſcontent, that the Scots were expected with impatience, and every accident that retarded their march gave pain to the public. The counties of Northumberland and the biſhopric of Dur-

Ann. 1640. ham, which lay immediately expoſed to the invaſion, abſolutely refuſed to lend money to pay troops, or to furniſh horſes to mount the muſketeers; and the trained bands would not ſtir without pay.

CONWAY, at the head of a thouſand horſe and five hundred foot, advanced to reconnoitre the enemy, but was driven back to Newcaſtle. In a council of war held at this place, it was determined to fortify the river Tyne at Newburn. Conway, who could not draw together above five thouſand foot and two hundred horſe, when he viewed the intrenchments judged it impoſſible to guard this paſs, and prepared to retreat yet farther back, when he received a letter from the earl of Strafford, who, with the King, was at this time arrived at York. Strafford reproached Conway for not having ſkirmiſhed with the enemy during their march, ſpoke with great contempt of the Scotch army, and conjured the general to redeem his honour by ſome notable action, and to give the enemy battle upon their paſſing the river. On this peremptory advice Conway altered his reſolution, and prepared his troops to diſpute the paſſage.

Strafford's Letters, vol.II. p.413.

THE Scots framed their behaviour to their profeſſions: They careſſed every Engliſhman that came into their camp; and Leſley, in a very civil meſſage, demanded liberty to paſs the river at Newburn with his countrymen, that they might preſent their petitions to the King: On a refuſal, he prepared to force the paſſage. The Engliſh ſoldiers, far from ſhewing any alacrity to engage the enemy, began to murmur at the hardneſs of their duty; and it was with the utmoſt difficulty that their officers could perſuade

perſuade them to ſtand the firſt onſet. Engliſhmen ſeldom ſtand in need of being exhorted to behave with alacrity in the buſineſs of fighting; but the arguments commonly uſed on theſe occaſions could little avail with men who dreaded victory worſe than a defeat. On a few of their fellows being ſlain by the artillery of the Scots, the whole army fled to Durham, leaving the moſt obſtinate of their officers to be killed or taken by the enemy *. The Scots took poſſeſſion of the town of Newcaſtle, with the King's magazines of powder, ammunition, and proviſion. They feaſted with the mayor, drank the King's health, and entertained the inhabitants with three ſermons, preached by their own divines.

Ann. 1640.

Battle of Newburn.

Engliſh forces retreat before the Scots.

Ruſhworth, vol. III. p. 1238.

STRAFFORD, whoſe weak ſtate of health † had hitherto prevented his entering into action, found the beaten army at Durham: He behaved with ſuch injudicious haughtineſs on the firſt entering into his charge, that he ſoon became the only enemy the army deſired to overcome. They openly vindicated their conduct at the fight of Newburn; and ſaid, that no man could wiſh ſucceſs in the war againſt the Scots, without wiſhing England to be, by the like illegal power, enſlaved: So properly did even the common ſoldiers, in this enlightened age, judge of the important queſtion. The prudent conduct of the Scots ſupported and increaſed that good opinion which was every where entertained of them: Far from

Clarendon, vol. I. p. 114.

* Burnet, in his Memoirs of the Dukes of Hamilton, ſays, that the lord Conway was not in the engagement. *Hamilton's Memoirs*, p. 178.

† He was much ſubject to the ſtone, and was at this time juſt recovered from a violent attack of that painful diſtemper.

Ann. 1640. ſhewing elation at their victory, they deplored the neceſſity of being obliged to ſhed the blood of their Engliſh brethren, and treated the priſoners they had taken with ſuch extraordinary expreſſions of love and civility, that they made converts of all their captives; whoſe reports did them infinite ſervice. Strafford being thoroughly acquainted with the diſpoſition of the army, found it neceſſary to bring them back to Yorkſhire; himſelf and the King, who was advanced as far as North-Allerton, retired to York *. In a ſhort time, the King received a petition from his Scotch ſubjects, craving the redreſs of their grievances, and that he would, by the advice of the Engliſh parliament, re-ſettle the public tranquility of the iſland.

NOTHING could be better calculated to pleaſe the public than this well-timed application. The neceſſity of the King's affairs not only ſubjected him to the mortification of receiving the petition and the advice of thoſe he termed rebels, but to ſend them a civil anſwer: He required the

* Before Charles ſet out on this ſecond expedition againſt the Scots, he iſſued a proclamation to revoke the ſame monopolies, licences, and commiſſions, which had been mentioned in his laſt proclamation on the like ſubject. This ſhews that the other had been only regarded as an expedient, and never executed. At this time, a proclamation was iſſued againſt the abuſes of his majeſty's royal prerogative in the levying of debts, and another for the better regulating the clerk of the market and the King's water-bailiff, and to reſtrain the execution of the charter of brick and tile-makers. By the matter contained in theſe two laſt proclamations it appears, that in theſe points, as in others, the ſubjects had been greatly abuſed in the exerciſe of the King's aſſumed prerogative. *Rapin*, vol. X. p. 368. *Rymer's Fœdera*, vol. XX. p. 344, 401.

peti-

petitioners to expreſs the particulars of their deſires, he Ann. 1640.
having been always ready to redreſs the grievances of his ſubjects. The Scots immediately returned anſwer, That the ſum of their deſires was, that his majeſty would be graciouſly pleaſed to command that the laſt acts of parliament might be publiſhed in his name, with the eſtates of parliament; that the caſtle of Edinburgh be furniſhed and uſed for the defence of the ſubjects; that their countrymen in his majeſty's dominions of England and Ireland be freed from cenſure for ſubſcribing the covenant, and be no more preſſed with oaths and ſubſcriptions unwarrantable by law; that the common incendiaries, who had been the authors of the combuſtions, might receive their juſt cenſure; that their ſhips and goods, with all the damage thereof, might be reſtored; that the wrongs, loſſes, and charge, which they had ſuſtained, might be repaid; that the declaration made againſt them as traitors might be recalled; that, by the advice and counſel of the ſtate of England, his majeſty might be pleaſed to remove the garriſons from the borders, and all impediments which ſtopped free trade, and, with the advice of the ſaid parliament, condeſcend to all particulars that might eſtabliſh a permanent and well-grounded peace, for the enjoying their Religion and Liberties.

THE King received theſe propoſals with all the indignant rage which could be expected from a man of his diſpoſition and ſtrong prejudices; but the conſequences of his imprudent adminiſtration began to preſs him now on all ſides: His Exchequer was empty; his revenue anticipated; every expedient for ſupply tried to the utmoſt;

his

Ann. 1640. his army undiſciplined and diſaffected; himſelf ſurrounded by people that ſhewed diſguſt at all his meaſures; his boſom friend Hamilton, and the tool of his tyranny Finch, unable to adminiſter any comfort, were ſolely engroſſed in the care of their own preſervation, the ingratiating themſelves with thoſe who were able to protect them on the day of reckoning, when they ſhould account for their paſt crimes to a parliament, who promiſed to be more formidable than any one that ever had ſat in England *.

Strafford, whoſe ſituation was too deſperate to admit of management, adviſed fighting †; but Charles met with ſuch freezing looks of diſapprobation to this counſel in all the reſt of the military officers who attended him, that he was again obliged to ſubmit to the humiliating circumſtance of entering into another treaty with his Scotch ſubjects. Before he aſſented to this mortifying condeſcenſion, he tried the affection of the York-

* Hamilton was ſo inſtrumental in bringing the King to aſſent readily to pacific meaſures, that the popular party, both of Engliſh and Scots, became from this period much reconciled to him.

† Lord Herbert was the only man who ſeconded Strafford in this advice: he propoſed to the King the fortifying York, and making it a garriſon-town, and ſupported this opinion with ſeveral arguments that had a very pernicious tendency. The reſt of the people about the King who dared to deliver their opinions on this point, were of ſuch different ſentiments from theſe two noblemen, that Charles being deſirous to throw into Stockton-caſtle, a place of importance on the river Tees, an additional force, he was earneſtly diſſuaded from it, as a meaſure that might give ſuſpicion and jealouſy to the Scots. Strafford had given a commiſſion to the earl of Worceſter, and his ſon the lord Herbert, to make arbitrary levies in the counties of England and Wales. *Ruſhworth*, vol. III. p. 1293, *& ſeq.*

ſhire

ſhire gentlemen, and Strafford attempted to animate them againſt the Scots by ſhewing them, that if the invaders once taſted the ſweetneſs of their ſoil, they would not be in a hurry to depart; with his uſual warmth he told them, that they were bound, out of their allegiance, to attend his majeſty in this ſervice; that it was little leſs than high-treaſon; and they were no better than beaſts if they refuſed. This petulant harangue of Strafford's had no other effect than to increaſe that reſentment which his tyrannical government of this country had raiſed againſt him: inſtead of making the proviſion that was required of them, they propoſed petitions of advice to call a parliament *, that the preſent differences might be compoſed, and a happy peace ſettled between the two nations.

Ann. 1640. Ruſhworth, vol. III. p. 1235. Clarendon, vol. I. p. 115.

In this extremity of affairs, the King had recourſe to an antiquated cuſtom, which had never been practiſed ſince the time of Edward IV. of calling all the Peers by writs under the great ſeal, to attend him at York. The complaiſant behaviour of the houſe of Lords the laſt parliament had undoubtedly filled him with hopes, that the Peers would preſent him with a ſum of money, or be ſo raſh as to raiſe ſubſidies by their own authority †. This

* Previous to this, they had preſented a petition againſt the billeting of ſoldiers, complaining of the enormous charge they had been put to in the laſt year's expedition, and repreſenting, they could not draw together the trained bands without fourteen days pay from his majeſty. Strafford refuſed to preſent that petition in which they adviſed the King to call a parliament. *Ruſhworth*, vol. III. p. 1214, *& ſeq.* 1230. *Rapin*, vol. X. p. 448. *Smollett's Hiſt.* vol. VII. p. 167.

† Clarendon ſays, that one of the members of the council did make ſuch a propoſal. *Clarendon*, vol. I. p. 116.

Ann. 1640. expedient cauſed ſuch a general alarm, that petitions poured in for the redreſs of grievances; againſt the bringing Iriſh troops into the kingdom *; for a treaty with the Scots; and ſummoning a parliament. The firſt petition preſented to the King on this ſubject was ſigned by the peers Bedford, Eſſex, Hertford, Warwick, Briſtol, Mulgrave, Say and Seal, Howard, Bolingbrook, Mandeville, Brook, Paget †. The ſecond petition came from the city of London ‡, to whom the Scots had very judiciouſly ſent

Ruſhworth, vol. III. p. 1260, &ſeq.

* The Iriſh army, conſiſting of ten thouſand foot and fifteen hundred horſe, were to have invaded the Weſtern part of Scotland, whilſt the Scots were attacked in the South by the Engliſh army. Ten thouſand men, under the command of the lord Herbert, were to be ſent into the North of Scotland, and a fleet of ſhips into the Frith. The plan of the war was not ill-concerted, and could it have been fully executed, it might have been attended with a fatal ſucceſs: but the inſtant that Strafford turned his back upon Ireland, the parliament of that kingdom, encouraged by the example of the Engliſh houſe of Commons, began to make objections to the new manner of levying ſubſidies, and threw ſuch interruptions in the way of the officers of the crown, that the Iriſh army was not ready to march at the appointed time. The diligence of the Scots, and the backwardneſs of the Engliſh, prevented the execution of the reſt of the plan. Strafford was to have returned to Ireland to take command of that army, had not the earl of Northumberland's pretended illneſs diſconcerted the affairs in England. *Guthrie's General Hiſt. Carte's Life of Ormond.*

† The lord Wharton aſſerted, that himſelf and the lord Howard, for delivering this petition, or a petition of the like nature, were put under arreſt; and Strafford moved, that they ſhould be ſhot for ſedition. *Burnet's Hiſt. of His Own Times*, vol. I. p. 29.

‡ The privy-council, hearing that the city was about to petition againſt grievances, and for a parliament, ſent them a long letter, in which they endeavoured to perſuade them, that it was a very improper time to ſend ſuch a petition, when his majeſty was engaged in perſon for the defence of the city; and that the demanding at ſuch a time a redreſs,

a complaiſant and affectionate letter, inviting them to continue the Newcaſtle-trade, and aſſuring them of a perfect ſecurity. Such being the loud, the univerſal cry of the nation, Charles, to prevent the clamorous petitions that were preparing in all quarters, at the firſt meeting of the great council of Peers told that aſſembly, he was reſolved to call a parliament; weakly adding, that the queen had adviſed him to it. Thus he avowed to the public, what had been long ſuſpected, and much murmured at, that he ſuffered his wife to have an influence over his moſt important counſels. Ann. 1640.

THE firſt thing determined on by the Peers was, that the King ought to enter into an immediate treaty with the Scots. They named ſixteen of their own members for this commiſſion, all of them popular men *, the King having received the mortifying advice, that he muſt not appoint any that were diſagreeable to the Scots, for fear of fruſtrating the good effects intended by the treaty. Charles added ſix aſſiſtants to the ſixteen peers; the earls of Traquaire, Morton, Lanerick, Secretary Vane, Sir Lewis Steward, and Sir John Borroughs; men who, he ſaid, were either verſed in the laws of Scotland, or had been acquainted with the former paſſages in this buſineſs. The commiſſioners were recommended to make the articles of pacification for laſt year the grounds of their redreſs, which they might be ſure to gain from his majeſty's grace and goodneſs, would be a juſt cenſure upon them in future times. *Ruſhworth*, vol. III. p 126. Council of Peers. Ruſhworth, vol. III. p. 1283, &ſeq.

* Earls of Bedford, Hertford, Eſſex, Saliſbury, Warwick, Briſtol, Holland, Berkſhire, viſcount Mandeville, lords Wharton, Paget, Brook, Pawlet, Howard, Saville, Dunſmore

Ann. 1640. treaty; but not to yield to any of the new demands of the Scots. York was the city the King deſtined for the meeting, that matters might be expedited by a quick communication; but it was changed to Rippon, on the Scots declaring that they could not truſt their commiſſioners in a place where the lord-lieutenant Strafford ruled, againſt whom, as a chief incendiary, they intended to inſiſt, who had declared them traitors in Ireland before the King had done it in England, who deſired the breaking up of the treaty, whoſe commiſſion was to deſtroy them, and who had in his army a great many Papiſts, who dreaded the pacification as productive of their ruin and diſſolution; that there were many ungodly perſons about the King, who waited the occaſion of expreſſing their malice and revenge againſt the whole nation. They objected alſo to the earl of Traquaire aſſiſting at the treaty, becauſe he was another of the grand incendiaries of whom they complained. This difficulty was ſolved by a declaration, that the aſſiſtants were not authorized to treat with the commiſſioners of Scotland, or to have any voice or vote in the debating or concluding of any thing.

MATTERS being thus ſettled, the Scots ſent commiſſioners * to the place appointed for the treaty. They excuſed their not being of numbers or quality equal to thoſe they were to treat with, becauſe of the abſence of their nobility from the army, and that themſelves were

* The earl of Dumfermling, lord Lowdon, Sir Patrick Hepburn, Sir William Douglas, John Smith, Alexander Wedderbourn, Alexander Henderſon, Archibald Johnſton.

but a ſmall committee from the parliament. After many Ann. 1640.
friendly debates, or rather conferences, it was agreed on, as the preliminaries of the treaty, that the Scots ſhould be allowed for their maintenance eight hundred and fifty pounds a-day, a contribution they had laid on the counties of Northumberland and the biſhopric of Durham, beſides what they had plundered from their declared enemies the Papiſts and prelates: This maintenance was on condition that the Scots would content themſelves with that ſum, and neither moleſt Papiſts, prelates, nor their adherents; free trade and commerce was to be reſtored between the two nations; the victuals and other neceſſaries to ſupply the army were to be free of cuſtom; no victuals, arms, or ammunition, were to be imported into Newcaſtle; and there was to be a ceſſation of arms, according to the particulars to be agreed upon. The commiſſioners for the treaty had the addreſs to continue the debates ſo long upon theſe preliminaries, that it was the twenty-ſixth of October before the conditions of the truce were determined: it was therefore impoſſible to diſcuſs the articles that were to be the ſubject of the treaty before the third of November, the day appointed by the writs for the meeting of the parliament. The King was very Ruſhworth, vol. III. p. 1297. deſirous to have both armies diſbanded; but this the Scots would not agree to, nor to another propoſal which had been made of diminiſhing the number of both armies: He was ſo earneſtly preſſed by his own commiſſioners to remove the treaty from Rippon to London, that he was obliged to comply with this, as well as to the ceſſation of arms, by which the Scots were aſſured of the maintenance they had demanded; and the river Tees was made the boundaries of both parties. To ſupply

Ann. 1640. the large ſum that was neceſſary to ſupport two numerous armies, and to preſerve the Northern counties from farther depredation, a loan of two hundred thouſand pounds was borrowed of the city of London: this money was willingly advanced by the citizens, the lords of the great council of York having made it their requeſt, with a promiſe that all the peers in the kingdom ſhould be bound for the payment.

Ruſhworth, vol. III. p. 1279, &ſeq.

Treaty at Rippon.

ON the firſt meeting of the commiſſioners of both parties, the Engliſh were accoſted by the Scots with a very unpromiſing reſerve and coldneſs. The ſurprize with which they were ſtruck on this behaviour was farther encreaſed on the earl of Rothes upbraiding viſcount Mandeville for not having ſhewed themſelves more early in the ſupport of the cauſe: Mandeville appearing aſtoniſhed at this charge, Rothes pulled out of his pocket a letter ſigned by the earls of Bedford, Eſſex, Brook, and Warwick, with the lords Mandeville, Saville, Say and Seal; in which they, in general terms, promiſed an hearty concurrence with the Scotch covenanters, on their entering with an army into England. The ſix lords whoſe hand-writing had been counterfeited concurred in ſo ſolemn an aſſurance that the whole was a forgery, that they at length ſatisfied the Scots. The deceit was afterwards found out to be a contrivance of the lord Saville: The Scots had written to their agents in London, to get ſome ſolid aſſurance of aſſiſtance from their friends in England, on which they might more certainly depend than on general promiſes; the lord Lowdon tranſmitted this requeſt to the lord Saville; Saville ſent his ſecretary to the ſix lords above-mentioned, who every one of them

Oldmixon's Hiſt. of the Stewarts, p. 141, & ſeq.

them promiſed their good offices on every opportune occaſion that preſented itſelf, but refuſed to ſign any compact: Saville framed a letter on theſe good intentions, and ſigned it with their forged names. He afterwards wrote another letter in his own name to Lowdon, in which he earneſtly exhorted him to perſuade his countrymen to enter England with their army; gave him many encouragements, which had ſome foundation, and, to make the proſpect more flattering, many falſe pieces of intelligence; he gave very judicious advice concerning the conduct of the Scots after their entry into England, which they ſeem to have followed exactly *. Saville, who had taken all this pains to ſtrengthen the popular party in England by a conjunction with the diſcontented Scots, was a determined courtier, and a man who had no private principle of honeſty, nor a diſintereſted one in regard to the public: His ſole inducement to act this dangerous part was an invincible hatred he bore to Strafford, who had overtopped him in regard to court favour, and who had thwarted him on many occaſions: the only way to ruin his rival effectually was to bring in his potent enemies the Scots. Thus the public is ſometimes benefited by the vices as well as the virtues of particulars, and receives important advantages from the irregular affections of the worſt members of ſociety. Ann. 1640.

THE diſcovery that the fore-mentioned letter was an impoſture cleared up all matters of difference among

* Beſides this, when the Scots were on the point of invading England, they received another letter to encourage them in their enterprize, and quicken them in their motions. *Oldmixon*, p. 145.

Ann. 1640. the commiſſioners. The Scots highly careſſed the Engliſh lords, to whom they proteſted what they had urged in their declaration, that they had no other deſign than to concur with the Engliſh parliament; to bind the prerogative within due limits; to circumſcribe the high claims of the clergy; to chaſtiſe the inſolence of the Papiſts; and to ſettle on a firm eſtabliſhment the conſtitution of the two kingdoms, on free and equitable principles. To theſe proteſtations, of themſelves ſufficiently perſuaſive, the Scots added other endearments: They brought with them, and delivered up, two officers of quality, Wilmot and O'Neal, taken at the fight at Newburn; they had treated them with great politeneſs, and had been at pains to give them high ideas of their courage, reſolution, diſcipline, good intention, and the juſtice of their cauſe. Wilmot and O'Neal were, from ſome private injuries they had ſuſtained, among the number of Strafford's enemies; and their reports of what they had ſeen and heard in the Scotch camp added to thoſe prepoſſeſſions the Engliſh had conceived in their favour, and increaſed the popular odium againſt the hated Strafford; who, when almoſt every mouth poured forth imprecations againſt him, had ſhewed, in a moſt improper manner, his courage and zeal againſt the covenanters, by ſending a party of horſe to attack them in their quarters at Durham, whilſt matters were ſettling concerning the ceſſation, by the commiſſioners at Rippon *.

* Notwithſtanding the treaty in hand, he adviſed the King yet to fight the Scots. and committed this outrage to ſhew how eaſily they might be driven out of the kingdom. He defeated ſeveral parties, and took ſome of the Scotch officers priſoners.

LESLEY

LESLEY complained loudly of this hoſtility, ſaying he Ann. 1640.
had himſelf forborn to make any ſuch attempt, out of reſpect to the treaty. The Engliſh commiſſioners reſented it as an affront to them; and when it was known that the officer who conducted the enterprize was a Roman Catholic, it raiſed ſuch an outcry that the King was obliged to ſend his poſitive commands to the general not to give any more ſuch orders. Before the ceſſation of arms, and whilſt things remained in an uncertain ſtate, the Scots diſcovered, through the means of their friends about the court, that they were betrayed by the earl of Montroſe, who had kept up a ſecret correſpondence with Charles; one of his letters was ſent to Leſley. Montroſe, on being taxed with holding intelligence with the enemy, openly avowed the fact, and aſked, who was the man would aſſert the King was an enemy? This boldneſs ſilenced the greater part of his accuſers; but the more valiant and more judicious Leſley gave it as his opinion, that he ought to be tried and executed by a court-martial *. Charles's ſituation was ſo deſperate, that he could make no advantage of Montroſe's treachery; he was obliged to ratify all that his commiſſioners had concluded Ratification of the treaty.
on †, and prepare for his journey to London, there to

* An act had paſſed in a committee of the Scotch parliament, that none ſhould, under pain of death, write any letters to the court, but ſuch as were ſeen and approved by at leaſt three of the committee. *Memoirs of the Dukes of Hamilton*, p. 179.

† The council of Peers with an unanimous voice determined, that it was neceſſary to ratify what had been concluded on, and proceed in the intended treaty with the Scots: Even Strafford, overcome by the general voice, declared, that it was not poſſible to keep the counties of Cumberland and Weſtmoreland from the Scottiſh power; that Newcaſtle was not to be gotten out of their hands this winter, if the King

Ann. 1640. meet a parliament, and to endeavour to ſatisfy the importunate demands of two enraged nations, whom he had provoked with a variety of injuries, and with whoſe power he was at this time in no capacity to contend.

Ruſhworth, vol. III. p. 1310, &ſeq. Guthrie, vol. III. p. 986, & ſeq.

THESE were not all the difficulties that agitated him at this time: Himſelf and his beloved counſellor Laud were alarmed at the pretended diſcovery of a plot among the Papiſts, which threatened both their lives. It was communicated to Sir William Boſwell, Charles's reſident at the Hague, by Andreas ab Habernfield, a domeſtic of the queen of Bohemia, who pretended to have it from a Papiſt converted to the Proteſtant faith, and let into the ſecret on account of his ſuppoſed orthodoxy. The ſtory imported, that the pope and cardinal Richlieu were deeply concerned in fomenting the troubles of Charles; and that meaſures had been taken by Con and Roſſetti, two nuncios from Rome, for poiſoning both the King and the archbiſhop. This was ſupported by a detail of cabals, meetings, and characters, among the Popiſh faction, of which it was affirmed the queen, the earl and the counteſs of Arundel, were patrons and directors. Laud was the only perſon in England to whom this plot, under the promiſe of an inviolable ſecrecy, was diſcovered. He communicated it to Charles, with the ſame cautions; and Charles choſe to ſuppreſs the matter, rather than quarrel with his good friends the Papiſts, who in this time of his neceſſity had advanced him large ſums of

had an army on foot of an hundred thouſand men; that the boundaries of Yorkſhire were not to be defended; and the King's army could not be truſted. *Ruſhworth*, vol. III. p. 1308, *& ſeq.*

money. It is likely he did not give much credit to the tale, ſince nothing could be more improbable than that conſpiracies ſhould ariſe from that quarter. Had it been related of the Puritans, he would have been glad of an opportunity to have ſeized their perſons, and rendered them ſuſpected to the public. Without any impeachment of his underſtanding, he might treat very ſlightingly an intelligence that involved in treaſonable deſigns againſt his perſon both his beloved queen, who, by the power ſhe had over him, governed with an uncontrouled ſway, and a party for whoſe ſake he had incurred the reſentment of his whole people. The affair, perhaps, had no foundation, but in the imagination of the queen of Bohemia, who might have trumped up this ſtory from public report and ſecret intelligence, attempting, by the alarming tale, to ſet Charles againſt a faction who had ever ſhewn themſelves her inveterate enemies. Ann. 1640.

CHAP. VI.

Parliament.——Strafford impeached of high-treaſon,—And others. ——Windebank flies.——Laud accuſed.——Wren and Pierce proſecuted.——Patents for monopolies cancelled.——Ship-money declared illegal.——Finch accuſed of high-treaſon:——Flies. ——Judges accuſed.——Judge Berkley ſent to priſon.——Bill for triennial parliaments.——Trial of Strafford.——Attempt to debauch the army.——Plot diſcovered.——Proteſtation.—— Bill for continuing the parliament.——Strafford's execution. ——His character.

Ann. 1640. ENGLAND had for a long ſeries of years ſuffered her princes to exert a very unconſtitutional authority over her: the tyranny of Charles was borne with a patience that gives us a deſpicable idea of the temper of the nation during the firſt fifteen years of that prince's reign. The Scots at length broke the chain of paſſive obedience, which had ſo long faſcinated their neighbours: The ſpirit of the Engliſh conſtitution, which had been reſtrained by the Tudors, and totally ſuppreſſed by the Stewarts, burſt from its confined ſtate with energy; like a mighty torrent, contemning the weak bounds of art, it broke through regal reſtraint, and the people with one voice demanded a parliament. This their privilege of legiſlation extorted from the crown, they were careful in whoſe hands they ſhould truſt the precious depoſit. The court, notwithſtanding its utmoſt efforts, was unable to make any party in the enſuing elections: ſo ſtrong was the ſenſe the people had of their paſt ſufferings, ſo dear to them the proſpect of recovering their loſt Liberty, that

the votes univerſally ran in favour of thoſe whoſe actions and ſufferings proclaimed their attachment to popular privileges. On theſe principles, patriots were returned, whoſe number, virtues, and abilities, were greater than had ever been convened together in any age or country. On this parliament, which the people had choſen to redreſs their wrongs, and to execute popular plans, left imperfect by the abrupt diſſolution of other aſſemblies; on this parliament, ſummoned at a time of univerſal diſcontent, did the King, by his neceſſities, entirely depend. Ann. 1640.

STRAFFORD was ſenſible of what irreſiſtable powers the leaders of the oppoſition would be poſſeſſed; and earneſtly requeſted the King to permit him to go back to Ireland, that he might there take meaſures for his majeſty's ſervice, and ſecure his own perſon from the reſentment of his enemies. Charles, notwithſtanding the mortifications he had undergone the laſt three months of his reign; notwithſtanding the apparent union of the Scotch mal-contents with the majority of his Engliſh ſubjects; yet fondly imagined, that there was ſomething in his kingly capacity that could withſtand, if not over-power, the rage of the popular party. He told Strafford that his counſel and preſence would be neceſſary to him; that as he was King of England, he had power to ſecure him from danger; and that the parliament ſhould not touch one hair of his head. Strafford, contrary to his own conviction, yielded to his maſter's entreaties, and conſented to come to London after he had ſettled the neceſſary affairs of his army *. Whitlock, p. 36.

* Clarendon tells us, that theſe affairs were to ſuppreſs the mutinous ſpirit of the army, and to diſpoſe the county of York towards the King's ſervice; that in both theſe buſineſſes Strafford met with great morti-

Ann. 1640. Meeting of parliament.

ON the third of November the parliament met; and ſuch was the active ſpirit of the times, that the houſe of Commons was almoſt full at the very opening of the ſeſſion. The King, as if afraid and aſhamed to meet the public eye, refuſed to ride in his accuſtomed pomp, and went privately in his barge to the Parliament-ſtairs. In his ſpeech to both Houſes, he reflected on the incredulity of thoſe who refuſed to truſt his perſonal aſſurances in regard to the deſigns of the Scots. He recommended, with ſome warmth, the chaſing the rebels out of the kingdom; told them he was reſolved to put himſelf freely and clearly on the love and affection of his Engliſh ſubjects; and promiſed an hearty concurrence in redreſſing their juſt grievances: He offered them a full and circumſtantial account of affairs, if they deſired it; he recommended to them to provide for the payment of his army, which muſt otherwiſe be diſbanded, whilſt that of the rebels was kept on foot; and, laſtly, conjured them to lay aſide all ſuſpicion; for it ſhould not be his fault if this was not a happy parliament *. When the King had finiſhed his ſpeech, the lord-keeper Finch began a long detail of the ſtate of affairs: He juſtified the King, and

mortifications: The officers repaired to London to ſerve in parliament, in defiance of his authority, when he had denied them leave of abſence; and thoſe gentlemen of the county who had moſt depended on him withdrew their attendance, and entered into a combination with his enemies. *Clarendon's Hiſt.* vol. I. p. 126.

* This ſpeech of Charles breathes a greater air of frankneſs than he had ever before uſed; but it was not in the power of words to divert the reſolutions of this aſſembly. Clarendon tells us, that before the meeting the members made no ſcruple to avow their intention of pulling up the cauſes of grievances by the roots; at the ſame time declaring, that if all men would do their duty the event muſt be happy.

dwelt

dwelt much on the ill behaviour of the Scots; but took care to compliment the city of London on their readineſs to advance the required loan: He concluded with expatiating on the dangers of the nation, and the miſery the Northern counties muſt continue to ſuffer, if the parliament did not effectually co-operate with the King *. Ann. 1640.

CHARLES had fixed on his creature Sir Thomas Gardiner to be appointed ſpeaker; but he had the mortification to find that he was not returned to ſerve as a member of the houſe †. The election fell on Mr. Lenthall, a lawyer of narrow drudging abilities, inoffenſive in his conduct, and pitched on by the King, becauſe he had never ſignalized himſelf in oppoſition to the government of church or ſtate.

LENTHALL, in his addreſs to the throne, expatiated on the utility of parliaments: "They bound the crown to 5 November.

* In this long harangue he did not omit to flatter the King and his family with much fulſome panegyric: He told the Commons to wipe the glaſs, and wipe their eyes, and then they would ſee their king a king of exemplary piety and juſtice, of rare endowments and abilities of nature, of unparalleled moderation in great affairs; his other part, the queen, was a mirror of virtue, from whom, ſince her happy arrival, no ſubject ever received other than gracious and benign influence. In the courſe of this elogium, he ran into the King's error, and avowed the influence the queen had over the public counſels, by alleging, that none could more co-operate to the happy ſucceſs of this parliament than her majeſty. He adviſed the Commons to moderate counſels, in the following trope: "Sail, ſaid he, between the tropics of moderation, that there be no declenſion from the pole of ſecurity."

† This man, though recorder of London, was rejected with diſdain by that city, and other places he had tried in vain. This is a ſtrong inſtance of the activity and ſtrength of the popular party.

the

Ann. 1640. the ſacred temples, he ſaid, and freed majeſty from the interpretation of miſdoing." He did not forget to put the aſſembly in mind of the treaſon intended to be perpetrated againſt the two houſes of parliament by the Roman-Catholics. In the courſe of his ſpeech he aimed a blow at the judges, whom he compared "to ciſterns of fair water, wherein each deviation, each wrinkle, was diſcernable."

THE King had very unadviſedly termed his Scotch ſubjects rebels; and, notwithſtanding the treaty then in agitation, recommended the chaſing them home. When the Commons were withdrawn, he deſired the Lords to relate to the lower houſe thoſe great affairs for which they were called together; and again termed the Scots rebels; talked of making them know their duty, and ſending them home whether they would or no. This intemperance of ſpeech gave great offence to the majority in both houſes. The Commons had no ſooner ſettled the ceremony of a faſt, than immediately they entered upon buſineſs: Large committees were appointed for privileges, for elections, for religion, for grievances, for courts of juſtice, for trade, and for Iriſh affairs. Such a multiplicity of complaints poured in upon them, that theſe were ſubdivided into forty leſſer committees. Every hour brought freſh proofs of the general diſcontent of the nation, beſides petitions in behalf of Burton, Prynne, Baſtwick, Lilbourn, Leighton, and other private ſufferers, which were all favourably received*; not a county that

Parl. Hiſt. vol. IX. p. 33, & ſeq.

* When a queſtion was put relating to a conſiderable grievance, not one member offered to put a negative. *Parl. Hiſt.* vol. IV. p. 108.

did

did not ſend up a long liſt of grievances. Theſe were preſented to the houſe by their ſeveral repreſentatives. Ann. 1640.

THE lord Digby, member for Dorſetſhire, related the diſcontents of that county by word of mouth: "I would not have you think, ſaid he, that I ſerve for a land of Goſhen; that we live there in ſunſhine, whilſt darkneſs and plagues overſpread the reſt of the land. As little would I have you think, that being under the ſame ſharp meaſure as the reſt, we are either inſenſible, or that the ſhire wanteth a ſervant to repreſent its ſufferings boldly." After enumerating the heads of thoſe complaints himſelf and partner had received from their conſtituents on the day of election, ſuch as ſhip-money, preſſing of ſoldiers, military taxes, monopolies, and the new canons, he thus purſued his diſcourſe: "Doth not every parliament-man's heart riſe to ſee the prelates thus uſurp to themſelves the grand pre-eminence of parliaments, the granting of ſubſidies; and that under ſo prepoſterous a name as a benevolence, for that which is a malevolence indeed? Who can think with patience on ſuch an enſnaring oath as that the new canons enjoin? where, beſides the ſwearing ſuch an impertinence as that things neceſſary to ſalvation are contained in diſcipline; beſides the ſwearing that to be of divine right which the learned never pretended was ſo, as the arch things in our hierarchy; beſides the ſwearing not to conſent to the change of that which the ſtate may upon great reaſon think fit to alter; beſides the bottomleſs perjury of an *et cætera*; men muſt ſwear that they ſware freely and voluntarily what they are compelled unto; and laſtly, that they ſwear that oath in the literal ſenſe, whereof no two of

Ann. 1640. the makers themſelves, that I have heard of, could ever agree in the underſtanding. For thoſe particular heads of grievances whereby our eſtates and properties are radically invaded, it hath been a metaphor frequent in parliament, and, if my memory fail me not, was made uſe of in the lord-keeper's ſpeech at the opening of the laſt, that what money Kings raiſed from their ſubjects it was but as vapours drawn up from the earth by the ſun, to be diſtilled upon it again in fructifying ſhowers. The compariſon, Mr. Speaker, hath held of late in this kingdom too unluckily: What hath been raiſed from the ſubject by thoſe violent attractions hath been formed, it is true, into clouds to darken the ſun's luſtre, and hath fallen again upon the land, but in hail-ſtones and mildews, to batter and proſtrate our liberties, to blaſt and wither our affections." Lord Digby concluded his ſpeech with a motion, that a remonſtrance ſhould be preſented to the King, clearly pointing out the pernicious authors of public calamities.

Sir John Colepeper, one of the members for Kent, expatiated on the public evils, and the particular ones of his county. Mr. Grimſtone obſerved, that this was the age which produced Achitophels, Hamans, Woolſies, Empſons, Dudleys, Treſſilions, and Belknaps, monſters of all ſorts. Mr. Bagſhaw aſſerted, that the honour of a king conſiſted in the wealth of his people; that to make a people rich, they muſt have eaſe and juſtice; eaſe in their conſciences from the bane of ſuperſtition, the tortures of ſtrange oaths; eaſe in their perſons from illegal arreſts and impriſonment; in their lands from foreſts where never deer fed; from depopulations where never farm was decayed;

decayed; and from incloſures where never hedges were made. They muſt have juſtice, or they could not ſubſiſt; if the ſtreams of juſtice were by unrighteouſneſs turned into gall and wormwood, or by cruelty into blood, the people who drank of thoſe brooks muſt needs periſh. Mr. Bagſhaw obſerved on the ſtrictneſs of the oath the judges were obliged to take, and on the infringements of that oath, "It will be never better times, ſaid he, if the authors of theſe evils go unpuniſhed; during parliament like frozen ſnakes, their poiſon dries up; but let the parliament diſſolve, and then their poiſon ſcatters abroad, and does more hurt than ever. What the plaiſter will not do muſt be done with the ſaw: Let them be cut off in their wickedneſs who have framed miſchief as a law; let the violation of the ſtatute of monopolies, and the Petition of Right, be made felony, or premunire at the leaſt; and in the interim let the authors of our miſeries be made examples of puniſhment." Ann. 1640.

The eminent ſpeakers did not fail to repreſent the national grievances with the high colouring of the moſt lively eloquence: But the houſe, tho' ſufficiently warmed with the diſcuſſion of theſe topics, were at preſent too much ingroſſed on a very particular and intereſting point to come to any reſolutions on theſe general heads. Sir John Clotworthy, an Iriſh gentleman, on the very firſt day of the Commons entering on buſineſs, had drawn ſuch a picture of the tyrannical adminiſtration of the kingdom of Ireland, as increaſed the prejudices of the Houſe againſt its already-deteſted governor.

On the eleventh of November, when it was certainly known that Strafford was arrived in London, Mr. Pym, Clarer vol. I.

Ann. 1640. in a long diſcourſe in which he enumerated all the grievances of the nation *, ſaid, " If any thing could increaſe their indignation againſt the enormous and criminal project which had been formed of ſubverting the laws and liberties of the kingdom, it would be to find, that the conſtitution had been endangered by the worſt of miniſters under the reign of a pious and virtuous King. We muſt enquire, added he, from what fountain theſe waters of bitterneſs flow; and though doubtleſs many evil counſellors will be found to have contributed their endeavours, yet there is one who claims the guilty preeminence, that is Strafford; a man who, in the memory of many preſent, hath ſat in this houſe an earneſt vindicator of the laws, and a moſt zealous aſſertor and champion for the liberties of the people; but it is long ſince he turned from theſe good affections, and, according to the cuſtom of apoſtates, is become the greateſt enemy to the liberties of his country, and the greateſt promoter of tyranny that any age hath ever produced." Sir John Hotham, a Yorkſhire gentleman, and others, ſpoke to the ſame effect; and after many hours ſpent in inveighing againſt this notorious criminal, the doors having been previouſly locked to prevent diſcovery of the intended purpoſe, when the reſentment of the houſe was inflamed to its higheſt pitch, it was ſuddenly moved, that

* In this enumeration, Mr. Pym mentions the ſale of nuiſances: " The King, ſaid he, is to take care of the public commodities and advantages of the ſubject, as rivers, high-ways, common-ſewers, by ordinary writs *ad quod damnum*; but now it is done by a courſe extra-judicial, by enforcing compoſitions; ſo if a nuiſance is compounded for it is a hurt to the people; if no nuiſance, then it is uſed to the party's prejudice." *Parl. Hiſt.* vol. IX. p. 65.

the

the earl of Strafford ſhould be immediately impeached of high-treaſon. Ann. 1640.

THIS motion was received with univerſal approbation; nor had there been in the whole courſe of the debate one perſon who offered teſtimony in favour of the offender. Lord Falkland, a man greatly bigoted to forms, propoſed that the particulars which had been mentioned ſhould be digeſted by a committee before accuſation; declaring at the ſame time, that he was fully ſatisfied there was enough for a charge. Pym ſoon removed this interruption by telling Falkland, that the delay he propoſed would probably blaſt all their hopes; that the earl's power with the King was ſo great, that when he ſhould learn his wickedneſs was diſcovered, he would immediately procure the diſſolution of the parliament, or attempt ſome other deſperate meaſure for his preſervation; whereas, if he was unexpectedly impeached of high-treaſon, the lords in juſtice would be obliged to commit him to ſafe cuſtody, and thus he would be ſequeſtered from having acceſs to his majeſty. The Commons, convinced by this argument, voted the accuſation; and Mr. Pym was choſen to carry it up; and, to ſhew their unanimity on this point, almoſt the whole body attended the meſſenger.

The Commons impeach Strafford of high-treaſon.

STRAFFORD was at this time in the houſe of Peers: It is conjectured, that he had an intention this day to accuſe the lord Say and other members of both houſes, who were thought to have held a correſpondence with the Scots. He found the Lords in a debate that took them up a conſiderable time *; and whilſt he was wait-

* The debate was concerning the Scotch treaty.

Ann. 1640. ing for an opportunity to addreſs them, Mr. Pym appeared at the bar, and, in the name of all the Commons of England, impeached him of high-treaſon, and deſired that he might be ſequeſtered from all councils, and be put into ſafe cuſtody. No ſooner was Mr. Pym retired, than the Lords, with almoſt one voice, called upon Straſford to withdraw. He having obtained leave to be heard, endeavoured to influence the Lords, by repreſenting to them, that it would be of bad conſequence to their privileges and birth-right, if, upon ſuch a general charge, they ſhould ſuffer a peer of the realm to be committed to cuſtody, and deprived of his ſeat in parliament. Potent as theſe reaſons muſt appear to an ariſtocratical aſſembly, yet on this occaſion they had not the intended effect: The Lords, with very little debate, reſolved he ſhould be committed to the uſher of the black rod, to remain under his care till the Commons ſhould bring in a particular charge. Upon his knees, at the bar of the houſe, was this determination pronounced to him. The lord-keeper having performed this office, Strafford was taken away by the uſher; and Mr. Pym was called in, and informed, that the Lords had complied with the deſire of the Commons.

LIBERTY had now begun her triumphant courſe; her inveterate enemy was, on the firſt attack, ſubdued. The arrogant Strafford, who the year before entered the upper houſe with the parade of a conqueror, and whilſt he related the wonders of his Iriſh adminiſtration, was received by the Lords with applauſe for the ſuppoſed wiſdom of his conduct, and who this very day had entered that aſſembly with imperious thoughts, and diſdainful ſen-

ſentiments againſt the Commons, was in an inſtant, by Ann. 1640. the enemies he deſpiſed, reduced as a criminal to receive on his knees the ſentence of impriſonment. The Commons ſent over to Ireland for Sir George Radcliffe and Sir Robert King, to appear as witneſſes againſt Strafford; but on being informed, that Radcliffe had been the tool which Strafford had made uſe of to execute all his infamous purpoſes, they likewiſe impeached him of high-treaſon *, and ſecured his perſon. Mr. Pym, with his uſual accuracy, in a conference with the Lords on this ſubject, made this diſtinction on the nature of the corruption which had influenced theſe miniſters: "In the crimes committed by the earl, ſaid he, there is haughtineſs and fierceneſs; in thoſe of Sir George Radcliffe more of baſeneſs; having reſigned and ſubjected himſelf to be acted upon by the corrupt will of another. The earl of Strafford hath not been bred in the ſtudy of the law, and having ſtronger luſts and paſſions to incite, and leſs knowledge to reſtrain, might more eaſily be tranſported from the rule; but Sir George Radcliffe, in his natural temper and diſpoſition being more moderate, and by his education and profeſſion better acquainted with the grounds and directions of the law, was carried into his offences by a more immediate concurrence of will, and a more corrupt ſuppreſſion of his reaſon and judgment."

* He had been already impeached of high-treaſon by the Iriſh Commons houſe. Audley Mervin, who carried up his impeachment to the Iriſh Peers, told them, that his treaſons had tranſcended ſo much all former ones, that they ſeemed to be but petty-larcenies in reſpect of his. In this ſpeech of Mervin he complains, that the clauſe in the Iriſh addreſs relating to Strafford was fraudulently inſerted. *Ruſhworth*, vol. IV. p. 214.

THE

Ann. 1640. THE proceedings of the houſe of Commons were equally quick in regard to other criminals: they had examined two meſſengers, Newton and Gray, and the keepers of the priſons about London, on the very day of Strafford's impeachment; and ſecretary Windebank was ordered to anſwer for the many interruptions he had given to the proceſſes againſt prieſts and Papiſts. This delinquent, who had been formerly Laud's creature, and promoted to the office of ſecretary by that prelate, had ſo entirely devoted himſelf to the queen, that he became, if not a Papiſt himſelf, a profeſt patron of that ſect: he not only protected prieſts in his houſe, but terrified the meſſengers by threats from moleſting them. One of the articles in his impeachment mentioned ſeventy-four letters of grace to Recuſants, ſigned by his own hand: another was, ſixty-four prieſts diſcharged from the Gatehouſe, twenty-nine of the number by his verbal order. Windebank was in the houſe when theſe warrants of diſcharge were produced; whilſt the matter was debated, he was ordered to withdraw, and finding that the proofs would be very ſtrong againſt him, he retired to his own houſe, and fled the kingdom the next morning. From Calais he wrote a letter to the earl of Pembroke, wherein, according to the cuſtom of other offending miniſters, he vindicated himſelf on the unconſtitutional plea of having committed offences in obedience to his maſter's commands *.

* Windebank had obtained a diſcharge from the King of all penalties that he might incur from his conduct in regard to Recuſants. He got ſafe out of the kingdom by a mandate, ſigned by the King, to ſuffer him to paſs without moleſtation. His papers were ſecured from ſearch by Cottington: among thoſe that came to light were found notes relative to an union with the church of Rome. *Prynne's Introduction to the Trial of Laud*, p. 124, 131, 146.

THE

THE public did not long languiſh for a parliamentary Ann. 1640.
proſecution againſt the object of their extreme hatred. The prelate Laud, that declared zealot for tyranny and perſecution, could not long eſcape in the ſtrict ſcrutiny that was now making concerning grievances: After a long debate on the new-made canons, it was reſolved, that they did not bind either the clergy or the laity of the land; that the ſaid canons and conſtitutions contained in them matters contrary to the King's prerogative, to the fundamental laws and ſtatutes of the realm, the rights of parliament, the property and liberty of the ſubject; and were matters tending to ſedition, and of dangerous conſequence: it was reſolved alſo, *nullo contradicente*, that the contribution granted to the King by the clergy in the ſeveral convocations holden at London and York in 1640, were contrary to the laws, and ought not to bind *. In the debate previous to theſe reſolutions, Sir Edward Deering, one of the members for Kent, a man who poſſeſſed volubility in ſpeaking, and who had taken ſome pains to attain a knowledge of the nature and grounds of thoſe pretenſions of the prelates that were now become the ſubject of diſpute, made a long ſpeech, in which he expoſed all the palpable objections that lay againſt the convocation or ſynod, as they termed themſelves. He called it a conventional, ſynodical aſſembly of commiſſioners, a threefold chimera, a monſter to the law of the land, and a Cerberus to the religion. He entered into a deep diſcuſſion on ſynods, and alleged, that

Ruſhworth, vol. IV. p. 100.

* Many of the inferior clergy petitioned againſt the power the convocation had uſurped, of taxing their brethren without the authority of parliament. The penalty which had been impoſed for non-payment was, deprivation of their function, to be ſtripped of their freehold, and excommunication. *Kennet's Complete Hiſt. of Eng.* vol. III. p. 103.

Ann. 1640. from the time of the apoſtles they were eccleſiaſtical councils, choſen by the free voice of clergy and laity; that even the Roman-Catholics acknowledged, that the church could not be repreſented if the laity were excluded; for the acts of national ſynods being binding to the whole nation, it could not juſtly be ſo if the laity had no ſhare in the conſultation, or choice in the conſulters.

Mr. Nathaniel Fiennes, ſon to the lord Say, a young man of good parts and great reading, made a long, yet judicious harangue, on the enormities that were in the canons. In the firſt, he ſaid, the convocation had aſſumed a parliamentary power in a very high degree: they had not only defined what the power of the King was, what the liberty of the ſubject, but had forbid perſons to ſpeak in any other way than according to their definition. He aſſerted, from the authority of their own text, the ſacred ſcriptures, that all magiſtracy was the ordinance of man: "But theſe divines, continued he, have an aim in teaching that kings are an ordinance of God; for then they muſt receive the manner of their government from the preſcript of God's word; and conſequently, if there is no text in either of the Teſtaments, that kings may not make laws, nor lay impoſitions without parliaments, they may do it out of parliament. In the ſecond canon they have alſo aſſumed to themſelves a parliamentary power, to appoint holidays contrary to the expreſs words of the ſtatute. In the canon againſt ſectaries there is an eſpecial proviſo, that it ſhould not derogate from any ſtatute or law made againſt them; as if their canons had power to diſannul an act of parliament. In the fourth canon, againſt Socinianiſm, they determine an hereſy not determined by law;

law; a point expreſly reſerved to a parliamentary deter- Ann. 1640.
mination: in this canon, for the moſt trifling offences, ſuch as bringing a book over from beyond ſea which differs from the diſcipline of the church of England, men are to be excommunicated *ipſo facto*, and lie under the ſame penalty as if they had maintained an opinion contrary to the moſt material point of faith. In the ſixth canon they have undertaken to impoſe new oaths on the ſubject, a power of an higher nature than to make a law; for a law binds no longer than till another law is made, or whilſt the perſon reſides in the land; whereas an oath binds for a man's life." Mr. Fiennes proved, that thoſe canons which had the moſt favourable appearance carried in them a great degree of malignancy, and moved that the houſe would proceed to condemnation.

The committee appointed to prepare the votes concerning theſe matters, had particular directions to conſider how far the archbiſhop of Canterbury had been an actor in theſe proceedings; and farther to examine what part he had acted in the great deſign of the ſubverſion of the laws and religion of the realm; and to prepare and draw up a charge againſt him, and ſuch others as ſhould appear offenders in theſe particulars. This was the prelude to Laud's impeachment: Complaints poured in on all ſides; he was accuſed by the Scotch commiſſioners of being the prime cauſe of thoſe innovations in their religion which had occaſioned the preſent commotions; letters were produced that had paſſed between him and the Scotch biſhops: Theſe proved, that he had for ſome years directed the eccleſiaſtical affairs of that kingdom; and, by the force of menaces and promiſes, had maintained an high degree of

Ann. 1640. authority over the epiſcopal order. On the report of their committee, the houſe of Commons did not heſitate to accuſe him to the upper houſe of the crime of treaſon. Mr. Hollis was appointed to carry up the meſſage, and the Lords immediately committed him to the cuſtody of their uſher.

Laud accuſed of high-treaſon.

On this accuſation, Laud deſired leave to ſpeak: He entered into a proteſtation of his innocency, and had the imprudence to ſay, that there was not a member of the houſe of Commons who believed in his heart he was a traitor: for this unguarded expreſſion he was ſharply reprehended by the earl of Eſſex. He deſired to be proceeded with in the ancient parliamentary way, but was checked by the lord Say for pretending to dictate to the houſe. He begged leave to recant what he had ſaid, but was refuſed. And thus this arrogant churchman, who had for many years directed almoſt every court of juſtice in the kingdom, was in a moment reduced to the condition of a criminal, and denied thoſe indulgencies and civilities which a leſs deteſted perſon of his age and rank would have found in ſuch mortifying circumſtances *. Many bitter ſpeeches had been made againſt him in the lower houſe: Sir Edward Deering declared, he had exerciſed a ſupreme eccleſiaſtical power in the three kingdoms; and mentioned ſome particulars concerning his arbitrary proceedings; that he pleaded fair

* The Lords fined him five hundred pounds for the impriſonment of Sir Thomas Howard. Sir John Lamb and Sir Henry Martin were fined two hundred and fifty pounds a-piece for the ſame cauſe. *Franklyn's Annals*, p. 881.

Laud, in his Diary, makes the following obſervation on this ſentence: "In ſuch a caſe, ſay the impriſonment were more than the law allowed, what may be done for honour and religion ſake?" *Ruſhw.* vol. III. p. 1087.

for

for a patriarchate; but if there muſt be ſuch a gover- Ann. 1640.
nor, a pope at Rome would do leſs hurt than a patriarch at Lambeth. Mr. Grimſtone ſaid, "that he was the ſty of all peſtilential filth; that it was him that had infected the ſtate and government of the commonwealth; he was the author of all the miſeries it now groaned under; he had brought in the earl of Strafford *; given the ſecretaryſhip to Windebank; and promoted Montague, Manwaring, and all thoſe prelates who were ſuſpected of Popery; there was ſcarce any grievance or complaint in which he was not mentioned; like a buſy angry waſp, his ſting was in every thing; he was the corrupt fountain that had vitiated all the ſtreams; till that was purged, clear channels could not be expected." Laud petitioned the upper houſe for liberty to take the air; this favour was granted, with a proviſo that he ſhould do it in the company of his keeper, and not be ſuffered to ſpeak to any body out of his preſence.

The inſtruments of this prelate's tyranny did not eſcape the avenging arm of Juſtice, who had now ſet up her ſtandard in both houſes of parliament. Matthew Wren biſhop of Ely, and Pierce biſhop of Bath and Wells, were informed againſt for many high crimes and miſdemeanors; ſuch as practiſing and enforcing ſuperſtition and idolatry, and perſecuting thoſe who did not ſubmit to theſe corruptions. At the deſire of the Commons, they were ordered by the Lords to give bail for ten thouſand pounds to ſtand the judgment of parliament. Every member of the late convocation was condemned to large

* Strafford was brought in by the earl of Portland, and immediately patronized and promoted by Laud. *Lloyd's Worthies*, p. 22.

fines;

Ann. 1640. fines; and numbers of eccleſiaſtical delinquents were ſeverely puniſhed by impriſonment, or otherwiſe, for being guilty in their ſeveral cures of perſecution and idolatry *.

THE attack on the clergy did not ſtop at the puniſhment of the individuals of the order: A bill paſſed the lower houſe for diſabling biſhops, or any clergyman, from being privy-counſellors, or in the commiſſion of the peace, or to have judicial power in the Star-chamber, or in any civil court. Mortifications of all ſorts overwhelmed that body, who had been for ſome time the church triumphant. The name of the ſpiritual lords was left out in acts of parliament, and the law ran in the name of King, Lords and Commons †. On the day appointed for a ſolemn faſt and humiliation, the whole order of temporal peers, contrary to former practice, in going to church took place of the ſpiritual. Carliſle and Morton, two moderate biſhops, were appointed to preach; and whilſt the ſecond ſervice was reading at the communion-table, it was interrupted by the ſudden ſinging of a pſalm. Marſhal and Burgeſs, two clergymen who had been ſtigmatized with the epithet of puritanical, preached ſeven hours before the Commons; and, as a requiſite preliminary to their receiving the ſacrament, the communion-table was removed from the Eaſt-end of St. Margaret's to the middle of the

Diurnal Occurrences, ed. 1641, p. 4.

* The ſeverity of juſtice was ſharpened from the reſentment of that cruel uſage which the non-conformiſts had met with in this reign. One Dr. Layfield pleaded, that he had privilege as a member of the convocation-houſe; but the Commons reſolved that he ſhould be ſent for as a delinquent, notwithſtanding his plea. *Ruſhworth*, vol. IV. p. 59.

† The clerk of the upper houſe, in reading the bills, turned his back upon the bench of biſhops. *Hume*, vol. I. p. 264.

area.

area *. This was a prelude to the following order: That commiſſioners be ſent into all counties for the defacing, demoliſhing, and quite taking away, all images or tables turned altar-wiſe, crucifixes, ſuperſtitious pictures, monuments, and relics of idolatry, out of all churches and chapels †. A reſolution paſſed, that the ſtatute made twenty-ſeven years ago in the univerſity of Cambridge, impoſing upon young ſcholars a ſubſcription according to the thirty-ſixth article of the canons made in the year 1603, is againſt law and the liberty of the ſubject, and ought not to be preſſed upon any ſtudent or graduate whatſoever ‡. A committee which was appointed by the Commons to take cognizance of the offences of eccleſiaſtics, and uſually denominated the committee of ſcandalous miniſters, received daily accounts of ſuch follies and enormities committed by that body, that the reſentment of the houſe was continually ſupplied with new fuel §.

Ann. 1640.

Ruſhworth, vol. IV. p. 149.

* Williams dean of Weſtminſter told the committee of the Commons who came to him on this buſineſs, that he would readily obey the Commons, and do the like on the requeſt of any pariſhioner in his dioceſe.

The lord-mayor, and the juſtices of peace for Middleſex and Weſtminſter, received orders from the Commons, that the ſtatutes concerning the Lord's-Day ſhould be put in execution. *Ruſhworth*, vol. IV. p. 53, 223.

† Sir Robert Harley, a zealous Preſbyterian, to whom the execution of this order was committed, removed all croſſes out of ſtreets and markets. *Whitlock*, p. 45.

‡ Ordered, that the ſame order that was made concerning ſubſcriptions to canons for the univerſity of Cambridge, ſhall be made for the univerſity of Oxon; and the houſe doth farther declare, that neither of the univerſities ſhall be ſubject to the injunction of doing reverence to the communion-table. *Journals of the Commons*, vol. II. p. 191.

§ A complaint was made againſt a miniſter for ſaying, that Puritans were damned rogues becauſe they refuſed the oath; he hoped they would hang in Hell; and wiſhed himſelf in Hell to be their hangman; and

Ann. 1640. THE preſent temper of the Commons encouraged the public to hope an entire releaſe from the ſpiritual tyranny they had ſo long endured. The citizens of London, to the number of fifteen thouſand, ſubſcribed a petition againſt the hierarchy and government of the church of England. To the petition was annexed twenty eight articles, containing objections to the epiſcopal office: thoſe objections were founded on the unlawfulneſs of the order, the vices of thoſe who compoſed it, and the abuſes with which it had been exerciſed. This petition was preſented to the houſe by alderman Pennington, and was followed by three more of the ſame kind; one from Gloceſter, one from the inhabitants of the county of Kent, and another ſubſcribed by ſeven hundred miniſters. Theſe petitions were very warmly attacked by the lord Digby, and with much learning defended by Mr. Fiennes: the houſe had the complaiſance to order, that they ſhould be committed, and in convenient time debated.

Smollett's Complete Hiſt. vol. VII. p. 176. Diurnal Occurrences, p. 33. Ruſhworth, vol. IV. p. 170, & ſeq.

HITHERTO the King ſeemed to have reſigned himſelf to the ſudden fate which had ſo unexpectedly fallen upon him—In one moment of time reduced, from governing with an abſolute ſway, to be the moſt inſignificant and the moſt impotent part of the legiſlative power: But rouſed by the danger which now threatened his beloved epiſcopacy, he ſent for the two houſes to Whitehall, and told them, that he intended to reform all innovations in

and taught in his pulpit, that every one ought to learn to dance, for thoſe who could not dance would be damned. Another complaint was exhibited, that in a certain pariſh in the Weſt country two days were ſpent in the dedication of an altar-cuſhion and pulpit-cloth. *Diurnal Occurrences*, p. 32, *& ſeq.*

church

church and ſtate, and to reduce matters of religion and government to what they were in the pureſt times of queen Elizabeth; but that ſome men, encouraged by the ſitting of this parliament, more maliciouſly than ignorantly, put no difference between reformation and alteration of government: hence it came that divine ſervice was irreverently interrupted, petitions were tumultuouſly given, and much of his revenue detained and diſputed. "Now, added he, I put great difference betwixt reformation and alteration of government: tho' I am for the firſt, I cannot give way to the latter. I will not ſay that biſhops may not have over-ſtretched their power, or encroached upon the temporal, which, if you find, correct and reform the abuſe according to the wiſdom of former times; and ſo far I am with you: nay farther, if upon ſerious debate you ſhall ſhew me that biſhops have ſome temporal authority inconvenient to the ſtate, and not ſo neceſſary to the church for the ſupport of epiſcopacy, I ſhall not be unwilling to perſuade them to lay it down *. Yet by this you muſt underſtand, that I cannot conſent to the taking away of their voice in parliament, which they have antiently enjoyed under ſo many of my predeceſſors, even before the Conqueſt, and ever ſince, and which I conceive I am bound to maintain, as one of the fundamental inſtitutions of this kingdom." Ann. 1640.

* Rapin obſerves, that the King ſeemed to banter the Commons in ſaying, that if they would ſhew him the biſhops had any temporal authority inconvenient to the ſtate, he ſhould not be unwilling to deſire them to lay it down; as if the parliament ought to have expected, from the pure condeſcenſion of the biſhops, the reformation of an authority prejudicial to the ſtate; a maxim directly contrary to the principles they then acted on. *Rapin*, vol. XI. p. 80, *& ſeq.*

Ann. 1640. ALL the partizans of the church-faction, and thoſe of monarchical principles, have been very liberal in their commendations of this ſpeech, and in their cenſures of the parliament for not ſeizing the opportunity ſo graciouſly offered by the King, of effecting a thorough reconciliation of parties, of piecing up the machine of government, and ſuffering it to run on quietly on its old axis. Such are the ſentiments of thoſe who hold in veneration the regal and hierarchical tyranny that ſo long prevailed in this country. To the ſenſible part of both houſes of parliament ſurely it muſt have appeared highly ridiculous to have heard the King, who, by his exerciſe of the power he found the crown poſſeſſed of at his acceſſion to the throne, had fully expoſed the abuſe to which it was liable; who, by the general deteſtation his tyrannical government had occaſioned, was in a manner unkinged, and all his prerogatives at the mercy of an able popular parliament; to hear him, at ſuch a juncture, and in ſuch circumſtances, offer, as a favour to his people, to concur with them in meaſures to bring things back to their old channel, and to leave him in a ſituation to run another career of tyranny, with power to perſecute every individual who had entered into any active meaſure againſt the malignancy of his prerogative.

NEITHER houſe of parliament took any notice of the King's ſpeech: They joined in a remonſtrance which ſhewed how many prieſts had been diſcharged within a few years; that the pope had a nuncio or agent at Rome reſident in the city of London; that the Papiſts as publicly reſorted to hear maſs at the queen's palace as others did to attend their pariſh-churches. For theſe reaſons, they

Ann. 1640. they inſiſted on the neceſſity of the laws being put into execution againſt Jeſuits and ſeminary prieſts; and that one Goodman, a prieſt, ſhould be left to the juſtice of the law. To this the King thought fit to return anſwer, that he would provide againſt Jeſuits and prieſts, by ſetting forth, with all ſpeed, a proclamation commanding them to depart the kingdom, under pain of being proceeded againſt according to law; that as to Roſſetti, he had no commiſſion as a nuncio, but to entertain a perſonal correſpondence between the pope and the queen: he would perſuade her to remove him, ſince the miſunderſtanding of his condition gave offence; that he would take care to reſtrain his ſubjects from reſorting to maſs at Denmark-houſe, St. James's, and the chapels of ambaſſadors; for Goodman the prieſt, he had reprieved him, becauſe, as neither queen Elizabeth nor his father avowed that any prieſts were executed merely for religion *, it might be of bad conſequence to his ſubjects and the Proteſtants abroad; but he remitted that particular caſe to both houſes. The Commons ſent an order to all the juſtices of the peace of Weſtminſter, London, and Middleſex, and all the counties in England and Wales, enjoining them to command the churchwardens, and other officers, to preſent the names of the ſeveral Recuſants within their pariſhes, that they might be proceeded againſt according to law, notwithſtanding any inſtitution or reſtraint.

THE circular letters written by the queen, by Sir Kenelm Digby, Mr. Mountague, and the body of Papiſts

* If the law was a bad one it ought to have been repealed, and not always diſpenſed with by the authority of the King.

Ann. 1640. in London, were laid before the Commons; and Digby, Mountague, Sir John Winter, and Sir Baſil Brook, were ſtrictly examined concerning the diſpoſal of the monies raiſed, and the authority which Con and Roſſetti had from the pope. The queen ſent a letter to the Commons, informing them, that it was ſhe who had written effectually to the King to perſuade him to call a parliament; that ſince ſhe has been willing to do all good offices between the King and the people, ſhe would remove Roſſetti in convenient time; and for the reſort complained of, would be careful not to exceed that which was convenient and neceſſary for her religion. She farther obſerved, that the parliament was not ſatisfied with the manner of raiſing money at her entreaty from the Catholics; that ſhe was moved thereunto by her dear and tender regard to the King: if it was illegal, ſhe was ignorant of the law, but promiſed hereafter not to do any thing that did not ſtand with the eſtabliſhed laws of the realm. This meſſage was intended to conciliate the affections of the Commons; perhaps there was a mixture of female vanity in it: but ſurely the only probable effect it could have was to convince the Commons of the uxorioufneſs of their monarch; that he did not act, on the moſt important occaſions, by the dictates of his own judgment; but was entirely ſwayed by the prevailing paſſion of the perſon to whom he had devoted his affection. No other anſwer was returned to the queen's letter, but that the Commons gave her majeſty thanks for her gracious expreſſions.

Some time after, the King ſhewed to the upper houſe a letter he had received from Goodman the prieſt; wherein he deſired to be executed rather than live the ſubject of diſcontent between the King and people. The letter probably had the effect for which it was written, and excited feelings of compaſſion in the parliament: the Commons dropt the purſuit, and we hear nothing of Goodman's execution. The proſecution of other kind of criminals took up, at this time, the attention of the houſe. The Commons having ſecured the two notorious offenders, Strafford and Laud, mortified the church, and put the eccleſiaſtical affairs of the kingdom in ſome train of reformation: they took into conſideration the general heads of their civil grievances; they cancelled all the patents which had been granted for monopolies, as contrary to expreſs ſtatutes; declared every one concerned in them delinquents; and expelled all their members who were monopoliſts or projectors. On the grievance of monopoliſts, Sir John Colepeper, member for Kent, made to the houſe the following ludicrous repreſentation: "The monopoliſts and polers of the people, ſaid he, like the frogs of Egypt, have gotten poſſeſſion of our dwellings; we have ſcarce a room free for them; they ſup in our cup, they dip in our diſh, they ſit by our fire; we find them in the dye-fat, waſh-bowl, and powdering-tub; they ſhare with the butler in his box; they have marked and ſealed us from head to foot. Mr. Speaker, they will not bate us a pin; we may not buy our own cloaths without their brokage: theſe are the leeches that have ſucked the commonwealth ſo hard that it is almoſt become hectical. Some of them have a vizard to hide the brand made by that good law in the laſt parliament of king James; they ſhelter themſelves under the name of a corporation."

Patents for monopolies cancelled, and monopoliſts cenſured.

Ruſhworth, vol. IV. p. 33, & ſeq.

Ann. 1640.

Ann. 1640. To ſhew the privy-counſellors what the Commons thought of their paſt conduct and pretenſions, one Mr. Neville, a member of parliament, was committed to the Tower for reporting to the council what had been ſpoken in the houſe. Sir William Saville was ſent for as a delinquent on the ſame account. A committee was appointed to take into conſideration the breaches of parliamentary privilege, both in the laſt parliament, and that of the third of this reign, and eſpecially the proceedings againſt Mr. Hollis, Sir John Elliot, *&c.* to conſider what reparations were fit to be granted to the parties grieved, and of ſome courſe to prevent the like hereafter. On the queſtion, it was reſolved, *nullo contradicente*, that the charge impoſed upon the ſubject for the providing and furniſhing of ſhips, commonly called ſhip-money, was againſt the law of the realm, and the ſubjects right of property, contrary to former reſolutions of parliament, and to the Petition of Right; that the extra-judicial opinions of the judges were contrary to the ſaid laws and reſolutions, and likewiſe all the writs commonly called ſhip-writs; and the judgment in the Exchequer in Mr. Hampden's caſe, both in matter and ſubſtance. A committee was appointed to go to the ſeveral judges, to enquire of them, in what manner, and by whom, they were ſolicited or threatened to give any opinion or judgment concerning ſhip-money *.

Journals of Commons, vol. II. p. 46. Writs of ſhip-money declared illegal.

* A committee was alſo appointed to draw up a charge againſt the lord Finch, and the reſt of the judges in this buſineſs; to enquire alſo of the ſeveral denials of Habeas Corpus and prohibitions, their extra-judicial proceedings and opinions concerning eccleſiaſtical juriſdiction, and the court of Admiralty, their denial of legal and ordinary proceedings in caſes of juſtice, and binding of the whole kingdom in one man's particular caſe. *Ruſhworth*, vol. IV. p. 89, *& ſeq.*

THESE

THESE votes of the Commons were ſent up to the Lords by Mr. St. John, who, in a very elaborate and judicious diſcourſe, ſet forth the extreme malignancy of the impoſition of ſhip-money, determined by the judges in favour of the crown. "The meſſage the Commons have entruſted me with, ſaid he, is of ſo high and general a concernment, that the whole body of the kingdom, both peers and people, are intereſted in it. It is not that ſhip-money hath been levied upon us; but it is that whereby ſhip-money is claimed, which is the gift and earneſt penny of all we have. It is not that our perſons have been impriſoned for payment of ſhip-money; but that our perſons and our lives are, upon the ſame ground of law, delivered up to will and pleaſure. It is that our birth-right is loſt, and that there hath been an endeavour to reduce us to a lower ſtate than villainage. The Lord might tax his villain *de haute & de baſſe*; might impriſon him, but his life was his own; the law ſecured him that. But, my lords, as the law is now declared, it is diſputable whether it does ſo much for us. My lords, the ſubject of this meſſage is to preſent the ſenſe of the Commons to your Lordſhips: that the laws of the realm have been entruſted into ſuch hands as have endeavoured to force upon them a contrary end to that for which they were ordained; of defenſive to turn them into offenſive; and inſtead of protecting us, to make them the inſtrument of taking from us all we have." Mr. St. John produced the opinion of the judges in the caſe of ſhip-money, and obſerved that they were enrolled in all the courts of Weſtminſter, *in perpetuam rei memoriam.* "My lords, proceeded he, if their opinion extend only to ſhip-money, his majeſty may

Ann. 1640. Nalſon, vol. I. p. 705, & ſeq.

Ann. 1640. may take what he will, and when he will; but ſhip-money is not the whole extent of them: Ship-money is due becauſe his majeſty is the ſole judge of the danger of the kingdom, and how the ſame is to be prevented; becauſe his majeſty, for the defence of the kingdom, may, at his will and pleaſure, charge his people. Upon the ſame reaſon, compulſion may be uſed for maintaining armies, caſtles, forts, bulwarks; it may be multiplied *ad infinitum*. His majeſty, in caſe of refractorineſs, may compel the doing of this; he is the ſole judge of the danger, and how the ſame is to be prevented. Whether perſonal compulſion may extend ſo far as life; whether the words, "How it is to be prevented," doth not leave the matter of it wholly in his majeſty's breaſt; I leave to your lordſhips conſideration." Mr. St. John obſerved, that the ſhip-writs gave authority to the ſheriffs of each county to diſtrain and impriſon, and that the judgment given againſt Mr. Hampden was a plenary execution of the opinion of the judges, and of the ſhip-writs, and was ſo binding to the ſubject, that an honourable perſon was denied any argument or debate, for no other reaſon, but that it had been adjudged already in the Exchequer. Mr. St. John related the votes of the Commons on theſe proceedings; votes paſſed *nullo contradicente*, on the conſideration of the tranſactions of the parliament held the third of Charles, when the Petition of Right was framed. He ſhewed, that the King's levying money on the ſubject on any pretence was in this parliament condemned; even where not only the King's honour, but the ſafety, and very exiſtence of the King and people, and of the true religion abroad, were in apparent danger, and when the ſupplies could not ſtay for a parliament; when the people were aſſured,

aſſured, on the royal word of a king, that their money Ann. 1640.
ſhould be beſtowed on thoſe public ſervices, wherein every one of them, their wives, children, and poſterity, had their common and perſonal intereſt, and this in a caſe where only binding of money was expreſſed; but it became compulſory by the inſtructions to bind over to the board and impriſonment for refuſal. This was firſt reſolved in the Commons houſe to be againſt law, afterwards by the houſe of Peers, conſented unto by his majeſty, and declared ſo in the Petition of Right.

After Mr. St. John had thus proved the illegality of ſhip-money, he proceeded to ſhew the heinouſneſs of the offence the judges had committed in giving an opinion againſt the plain dictates of the law: they did not only break their own oath, but, being entruſted with the performance of this part of his majeſty's oath, were guilty of an infamous breach of truſt, and, as far as in them lay, blemiſhed the ſacred perſon of the King with the hateful ſin of perjury. Mr. St. John produced examples where baniſhment, death, and forfeiture of lands and goods, were adjudged the puniſhment of this offence, even when the tranſgreſſion was not ſo dangerous to the ſubject as the caſe in queſtion. Judgment of high-treaſon was, in a parliament of the eleventh of Richard II. given againſt judges for an opinion contrary to what had been ordained by act of parliament. Violence had been offered to theſe judges, but fear and cowardice were not thought ſufficient pleas; it was but one act; if they had been put to it a ſecond time, perhaps, they had repented, for two of them the next day declared their grief for what they had done: but the judges now in queſtion

Ann. 1640. proceeded *a peſſimo ad pejus peſſimo*, declared their opinion in their circuits with additions, and a year after confirmed them by an indictment in the Exchequer. Mr. St. John farther obſerved, that in the parliament of the eleventh of Richard II. eighteen perſons of eminent rank were condemned of high-treaſon for acting contrary to what had been ordained by parliament; that of the eighteen eight were executed, three fled, and the reſt were pardoned the forfeiture of their lives, but baniſhed.

THE intereſt of the Lords was in this caſe too apparently concerned to need the force of ſtimulating arguments: they did not heſitate to vote the illegality of ſhip-money, in the ſame manner as the Commons; and that, *nemine contradicente*, they ordered the records of the extra-judicial opinion of the judges to be eraſed out of all the courts wherein they had been enrolled, and the judgment in Mr. Hampden's caſe to be brought into their houſe, and cancelled in their preſence. They likewiſe ordered, that a copy of what they had done ſhould be delivered to the judges, to be publiſhed at the aſſizes, and that an act of parliament ſhould be prepared concerning this matter.

Ruſhworth, vol. IV. p. 194, &ſeq.

No one was more liable to cenſure on theſe points, and indeed on all illegal meaſures, than the lord-keeper Finch; all his promotions had been owing to the meanneſs, corruption, and villainy of his conduct: He it was who being ſpeaker in Charles's third parliament had left the chair, and refuſed to obey the commands of the houſe; he it was who had declared publicly, that whilſt he was keeper an order of the council ſhould always

with him be equivalent to a law; he it was who by perſuaſions and menaces had procured the extra-judicial opinions of the judges, in the caſe of ſhip-money, in foreſt-affairs *; in all oppreſſive practices he had been ever the moſt active agent. To appeaſe, if poſſible, the riſing anger of the Commons, which increaſed as theſe matters were ſcrutinized, Finch deſired to be heard at their bar: this was an unprecedented thing, and it could not but be pleaſing to the patrons of Liberty to ſee one of the ſatellites of the crown, who had long inſulted over the conſtitution, who had raiſed himſelf to an envied eminence by trampling on the liberties of his country, reduced to plead before that democratical aſſembly, whoſe authority, when their ſervant, he had rejected, and to whom he had very lately dictated. The keeper's requeſt was granted with little heſitation: there was a chair ſet to make uſe of if he pleaſed, and he was offered leave to put on his hat; he waved the acceptance of both theſe civilities, laid his purſe upon a ſtool placed for the purpoſe, and continued bare-headed and ſtanding all the time he ſpoke to the houſe. Ann. 1640.

HE pretended to juſtify his conduct, but had nothing ſtronger to urge than that he was not the author and adviſer of thoſe things that were complained of; he denied that he had uſed perſuaſions or menaces to the judges †; and pretended, that in his own opinion on ſhip-money he had followed the dictates of his conſcience,

* He ſaid, he would make it good that all England ſtood upon foreſt-laws, except three counties. *Diurnal Occurrences*, p. 10.

† On the examinations of the judges, it appeared, that ſome of them had been ſolicited and threatened.

Ann. 1640. and that he meant it ſhould be taken in caſes of apparent danger, when there could be no other reſource. On the foreſt-buſineſs, he ſaid, he had gone by records of Edward IV. * Unſatisfactory as this defence of Finch's was, the humble manner in which it was delivered, with the eloquence of the pleader, moved the houſe to ſentiments of compaſſion.

Mr. Rigby, fearing that the ſoftneſs which had infected his fellow members would incite them to drop the intended proſecution, honeſtly told them, that their pity was fooliſh, and their mercy cruel, if either extended to that ſilver-tongued ſyren, who had effected ſuch miſchief to the kingdom, who had recorded his injuſtice in every court in Weſtminſter. "Shall we, ſaid he, like little children, when we have been whipped and beaten, be pleaſed again with ſweetmeats; when we have been injured and abuſed, be gained again with fair words and compliments. Some birds, in the ſummer of parliament, will ſing ſweetly; but, in the winter of perſecution, will for their prey ravenouſly fly at all. We ſee, by the ſolemn appointments of our courts of juſtice, what proviſion the wiſdom of our anceſtors has made for the preſervation and honour of juſtice; witneſs our

* He would have acted more prudently if he had gone by the ſtatute of 27 and 28 Ed. I. In Eſſex, being of the King's counſel, he procured jurors to make undue returns, and uſed threatenings to obtain a verdict for the King. People were fined or turned out of eſtates they had enjoyed for near three hundred years, for pretended encroachments on the foreſt. Afterwards, having been promoted to be chief-juſtice of the King's-Bench, he adviſed the juſtices in eyre to refuſe traverſe offered by the country, and all evidence but what ſhould be verbally delivered. *Ruſhworth*, vol. IV. p. 137.

terms,

terms, ſeſſions, and aſſizes; the pomp and ſtate of the judges in their circuits; by the ſheriffs, knights, and juſtices attended, for the hanging of a poor thief for the ſtealing of a hog or ſheep; in ſome caſes for the ſtealing of a penny; and very juſtly too, *in terrorem*; and ſhall not ſome of them be hanged that have robbed us of all our property, have ſheared all our ſheep?" Mr. Rigby concluded with deſiring the houſe, not to be ſo merciful to theſe wicked inſtruments, as to be mercileſs to the whole kingdom. The good ſenſe of the Commons could not oppoſe the dictates of this ſeaſonable ſpeech. They voted that the lord Falkland ſhould go up to the houſe of Peers, and accuſe Finch of high-treaſon, in that he had endeavoured to ſubvert the fundamental laws and government of the realm, and, inſtead thereof, to introduce an arbitrary and tyrannical government. It was ſo late in the day when this vote paſſed that the Peers had riſen: the impeachment was by neceſſity deferred; which gave the criminal time to eſcape beyond ſea.

Ann. 1640.

Finch accuſed of high-treaſon.

Flies beyond ſea.

Clarendon accuſes the Commons of partiality and deſign in ſuffering theſe two guilty miniſters, Windebank and Finch, to fly the avenging arm of Juſtice; and inſinuates, that they were either biaſſed by perſonal favour to theſe criminals, or, fearing that Sir Henry Vane would be found involved in their crimes, were glad to get rid of them. Whatever was the reaſon for the conduct of the Commons, whether theſe aſſigned by Clarendon, or whether they feared the popular tempeſt would be too ſoon appeaſed, and the people become ſatiated with blood if all the ſtate-malefactors were brought to execution, certain it is, that if they had been deſirous

to

Ann. 1640. to ſecure the perſons of theſe offenders, they would have uſed more caution and expedition in their proceedings againſt them. Finch's impeachment, which conſiſted of ten articles, was, notwithſtanding his flight, carried up to the houſe of Peers, and enforced by lord Falkland: He ſaid that Finch had committed crimes of ſupererogation; that high-treaſon was but part of his charge; theſe crimes purſued him through the ſeveral conditions of his life, as a ſilent ſpeaker, an unjuſt judge, and an unconſcionable keeper. Falkland obſerved, that Finch had endeavoured to lay the ſubject open to the worſt of invaſions, that of want and poverty, by deſtroying Liberty, that protector of property and induſtry; that, if he had ſucceeded in making himſelf parliament-proof, in this wealthy and happy kingdom, there could have been left no abundance, but of grievances and diſcontent, and no ſatisfaction but amongſt the guilty. "His crimes, ſaid he, are treaſons as well againſt the King as kingdom; for whatſoever is againſt the whole, is undoubtedly againſt the head. They take from his majeſty the ground of his rule, the laws; they take from his majeſty the principal honour of his rule, the ruling over free men; they endeavoured to take from his majeſty the principal ſupport of his rule, the hearts and affections of thoſe over whom he rules, a better and ſurer ſtrength to the King than the ſea is to the kingdom *.

Ruſhworth, vol. IV. p. 139. Diurnal Occurrences, ed. 4to. Lond. 1641, p. 16.

* Lord Falkland was the firſt man in the houſe of Commons who moved that a ſelect committee ſhould be choſen to draw up a charge againſt Finch: "If he ſhall be found, ſaid he, guilty of tampering with judges againſt the public ſecurity, who thought tampering with witneſſes in a private cauſe deſerving of ſo great a fine; if he ſhall be found to have gone before the reſt to this judgment, and to have gone beyond

THE Commons next ſent up an accuſation againſt Sir John Brampſtone, lord chief-juſtice of the King's-Bench, Sir Humphry Davenport, juſtice Berkley, and juſtice Crawley. The Lords enforced them to enter into recognizance of ten thouſand pounds a piece to appear and anſwer before the parliament: at the ſame time they ordered, that judge Berkley, for taking inſufficient bail, ſhould pay a debt of five hundred pounds, with intereſt, which was owing to a citizen by the lord Wentworth. This infamous judge, having been found more guilty than his brethren, was, on a ſtricter examination of his conduct, impeached of high treaſon, and, to the exaltation of Liberty and Juſtice, and the confuſion of evil miniſters, by order of the Peers, taken off his tribunal in the court of King's-Bench, and carried to priſon. Lord Falkland diſtinguiſhed himſelf by a very warm ſpeech againſt the judges.

Ann. 1640. The judges accuſed.

Judge Berkley ſent to priſon. Nalſon, vol. I. p. 654.

A YOUNG member, whoſe name is not recorded, poured forth very animated ſentiments on the ſame ſubject, and recommended to the houſe the exerciſe of juſtice rather than mercy. He obſerved, that the examples of Empſon and Dudley had a very happy effect on the reign of Elizabeth; that to paſs by the guilty was equal injuſtice as to puniſh the innocent; that an omiſſion of that duty would render them ſhamed in hiſtory, and curſed by poſterity: "The revenues of the crown ſold out-right,

Ruſhworth, vol. IV. p. 130.

beyond the reſt in this judgment; that in the puniſhment of it the juſtice of this houſe may not deny him the due honour to precede and exceed the reſt."

The fine lord Falkland alludes to was the ſentence Finch gave againſt Williams. *Rapin*, vol. XI. p. 56.

ſaid

Ann. 1640. ſaid he, will ſcarce repay the loſſes of this ſuffering nation. It is, without all queſtion, in policy that exemplary puniſhments conduce more to the ſafety of a ſtate than pecuniary reparations. The civility of our laws tells us, that Kings can do no wrong, but the ſtate is alone ſecure when the judges, their miniſters, dare do none. We ſee the bad effect of their bold erroneous opinions: what was at firſt but corrupt law, is, by encouragement taken from their impunity, become falſe doctrine. The people are taught in pulpits they have no property; kings inſtructed in that ruinous principle, that all is theirs. It is thence deduced into neceſſary ſtate-policy, that he is no monarch who is bounded by any law: by which bad conſequences the beſt of kings hath been, by the infuſion of ſuch poiſonous poſitions, diverted from the ſweet inclinations of his own natural equity and juſtice; the very eſſence of a king taken from him, which is preſervation of his people. And whereas *ſalus populi* is or ſhould be *ſuprema lex*, the power of undoing us is marked under the ſtyle of what ſhould be ſacred royal prerogative. It is high time to make examples of this ſubverted law, bad counſel, worſe doctrine. Let no man think to divert us from the purſuit of juſtice, by poiſoning the clear ſtreams of our affection with jealous fears of his majeſty's interruption, if we look too high; ſhall we doubt his juſtice becauſe we have need of great juſtice? We may be confident the King well knows that his juſtice is the bond of our allegiance, the proof of his ſovereignty."

THE whole of this ſpeech, which is long, breathes the ſame ſpirited indignation againſt the corruptions and corrupt miniſters of the times. The young orator began

this addreſs to the aſſembly in a ſtyle too peculiarly mo- Ann. 1640.
deſt and graceful to paſs unnoticed: "It was a cuſtom, ſaid he, among the Romans (who, as by their power they once gave laws, ſo, by the happy ſucceſs of their long-flouriſhing government, might they well give examples to all the world) that in their ſenates the younger men ſpake firſt, partly that they might not have their weaker notions anticipated by the more knowing ſenators, and partly that the ſenate might not be diverted from the mature reſolutions of the more ancient, by the interpoſition of the younger men; they, as all free ſtates, ever allowing free members to expreſs themſelves according to their ſeveral capacities: and methinks it was a happy method; ſo the opinions and inclinations of the aſſembly being diſcovered, and ripened to reſolutions by ſuch gradations, the ſentences of the ſages founded as judgment, not orations; their wiſdom and gravity put a ſeaſonable period to perhaps otherwiſe endleſs diſcourſes. Their precedent encourages me: Children can point out their pain, and infant graduates in parliament may groan out the grievances of a diſeaſed commonwealth; but they muſt be doctors in the art of government that can apply apt remedies to recover it."

DURING the late tyrannical adminiſtration, very illegal powers had been exerted by the lieutenants and deputy-lieutenants of counties: the perſons who had ſo acted were declared delinquents. The ſheriffs who had aſſeſſed individuals on the writs for ſhip-money, though obliged to it under ſevere penalties, incurred the ſame cenſure. This may be thought a very rigorous procedure; but as the King, by the maxims of law, could do no wrong,

Lord-lieutenants, ſheriffs, &c. employed in levying ſhip-money, declared criminal.

Ann. 1640. his miniſters and ſervants, of whatſoever degree, were by thoſe maxims culpable, in caſe of any violation of the conſtitution. Cowardice, or the deſire of ſcreening one's perſon or fortune from damage, ought never to be admitted as a ſufficient excuſe for crimes of that high nature: on theſe principles, all the farmers and officers of the cuſtoms who had been employed in levying tonnage and poundage were declared criminal. They were glad to compound for a pardon by paying a fine of an hundred and fifty thouſand pounds. Every arbitrary ſentence of the Star-chamber and High-commiſſion court was reverſed; whilſt all thoſe who had any hand in them were ordered to make reparation to the parties wronged *. All

* Among thoſe perſons, whoſe loſſes and injuries the Commons endeavoured to repair, Leighton was given ſix hundred pounds, and made warden of Lambeth-houſe, converted into a place of confinement for the ſtate delinquents. Lilbourn, Prynne, Baſtwick, Burton, and others, were not only reinſtated in their ſeveral profeſſions, and their ſentences reverſed, but great damages were decreed them. When the three laſt mentioned ſufferers landed in England, they were received with the higheſt demonſtrations of affection, attended on the road by a great confluence of people, and their charges borne with magnificence. On their approach to any town, the inhabitants welcomed their arrival with ſhouts of applauſe. Several miles from the city of London, they were met by the zealots of their party; boughs were carried before them, the roads were ſtrewed with flowers, and the air reſounded with the acclamations of the people, who mingled with expreſſions of joy invectives againſt the prelates for their barbarous cruelty, exemplified in the perſons of the three triumphers. The reception of theſe men ſufficiently marks that formidable reſentment which the public had ſo juſtly entertained againſt the government. Among other ſufferers, Sir Pierce Croſbie was reinſtated, and the King deſired to reſtore him to his place of privy-counſellor in Ireland. Mr. Smart, prebend of Durham, was reſtored to his prebendary, and the dean and chapter was ordered to preſent him to the vicarage of Aycliffe. *Nalſon*, vol. I. p. 512. *Hume*, vol. I. p. 260. *MS. Journal of the Lords.*

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perſons who had concurred in theſe oppreſſions, were Ann. 1640. voted to be liable to the penalties of the law.

THUS at length, by the genius of the conſtitution, the wiſdom and perſeverance of the houſe of Commons, with the concurrence of other favourable accidents, royal power, which had almoſt reached the ſummit of abſolute ſovereignty, was in a moment cruſhed, and the maxims of rigid Law and Liberty eſtabliſhed throughout the realm; and this without any violence or diſorder. The aweful tribunal, which was newly erected in the land, ſtruck the guilty with diſmay. The miniſters and tools of power, finding themſelves involved in the general determinations of the Commons, were glad, by an inoffenſive conduct, to compound for paſt crimes. And thus the dependants of the court, that contemptible yet noxious tribe, were, by the fear of a deſerved puniſhment, deterred from making any oppoſition to the new ſyſtem of government.

To the honour of the upper houſe, it muſt be remembered, that they had been more than paſſive in this reformation, as if they were deſirous of ſetting an example to the Commons in vindicating the honour and privilege of parliament: on the very firſt days of their entering on buſineſs, a motion was made, that whereas two lords of that high and honourable court had had their ſtudies and pockets ſearched for papers, conſideration might be had, whether it was not a breach of privilege; eſpecially as it was done ſoon after the diſſolution, and within the time of privilege of parliament. On the relation that the earl of Warwick and the lord Brook made of

Ann. 1640. this matter, the houſe committed to the Fleet Sir William Beecher clerk of the privy-council, and ſent a meſſage to the Commons to deſire a conference with them on the buſineſs, before they proceeded againſt their members the ſecretaries Vane and Windebank, by whom the warrants for ſearching the two peers were ſigned. Buſineſs of great importance crouding upon both houſes, the affair was dropped. Beſides this ſpirited exertion, the Lords ordered two books, written by Dr. Pocklington, entitled, Sunday no Sabbath, and *Altare Chriſtianum*, to be burnt; addreſſed the King on the reſtraints laid on the embarkation of the ſubjects for the new colonies; on his having altered the tenure by which the judges held their offices, from *quamdiu ſe bene geſſerint* to *durante bene placito noſtro*; ordered coat and conduct-money to be repaid; made the petition for a parliament, preſented by the Lords at York, an act of their houſe, returned them thanks for that ſervice; and ſeconded every popular meaſure which had been reſolved on by the Commons *.

MS. Journ. of the Lords.

THE parliament having thus erected their juriſdiction over every part of government, and repaired the damages and loſſes of thoſe who ſuffered under the late tyranny, were no leſs exemplary in their gratitude than their juſ-

* With theſe laudable exertions in favour of public liberty, they were guilty of an unjuſtifiable act of tyranny, in ordering a bailiff, who arreſted a ſervant of one of the members of their houſe, to ride to the Old-Exchange, with his face to the horſe's tail, and a paper on his head denoting his offence. They alſo intereſted themſelves much on the trifling circumſtance of anſwering on proteſtation of their honour, inſtead of the common practice of anſwering on oath. *MS. Journal of the Lords.*

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tice. The Scots, from whoſe commotions the nation had reaped ſuch great advantages, were treated with an unlimited generoſity: their commiſſioners, of whom the moſt conſiderable were the earl of Rothes and the lord Lowdon, were lodged in the city, and entertained there with great reſpect: moſt of the city magiſtrates, being Preſbyterians, held an intimate correſpondence with them. St. Antholin's church was aſſigned for their devotions, in which they openly practiſed the Preſbyterian form of worſhip: ſuch was the propenſity of the people towards a novelty from which they had been ſo rigorouſly reſtrained during the late power of the hierarchy, that multitudes of all ranks crouded to this conventicle. People came early in the morning, and kept their places the whole day; whilſt others who were excluded clung to the doors and windows to catch the moſt diſtant ſound of the voice of the preachers, who were heard with as much applauſe as if they had been endued with the eloquence of St. Paul *. The parliament had ſignified diſguſt at the King's terming the Scots rebels; the houſe of Commons had called one of their own members to the bar for uſing the ſame expreſſion; and were ſo far from finding fault with the treaty at Rippon, that they allotted eighty thouſand pounds a month for the ſubſiſtence of the two armies, and voted three hundred thouſand pounds as a fit proportion for the friendly aſſiſtance and relief of the

Ann. 1640.

* Mr. Hume makes the following remark on this extravagance. All the eloquence of parliament, now well refined from pedantry, animated with the ſpirit of Liberty, and employed in ſuch important intereſts, were not attended to with ſuch inſatiable avidity as were theſe lectures, delivered with ridiculous cant, and a provincial accent, full of barbariſm and of ignorance. *Hume's Hiſt.* vol. I. p. 263.

Ann. 1640. loſſes and neceſſities of their dear brethren of Scotland *. Several ſubſidies, with a poll-tax, were from time to time voted to anſwer this charge; and as large ſums had been advanced by individuals on the faith of parliament, they ordered theſe taxes to be paid to commiſſioners appointed by themſelves. The diſpute in regard to tonnage and poundage was now finally determined by the Commons: in the preamble to the bill, in which they granted theſe duties to the King, they aſſerted in the moſt poſitive terms their own right of beſtowing them; and to diveſt the crown of the power to increaſe theſe impoſitions at pleaſure, they gave them only for two months, and afterwards from time to time renewed their grant for very ſhort periods †.

During the reign of Edward IV. it had been enacted, that parliaments ſhould be held once every year, or more frequently if neceſſary: in former times this had been the practice; but, during the reign of the Stewarts, theſe aſſemblies had never been called but when the revenue was unable to pay the expences of the government. To

* An order was entered for calling them our brethren of Scotland. The Scotch miniſters who had been turned out of their livings by the covenanters were ordered to have no preferment, either in England or Ireland. *Smollett*, vol. VII. p. 180. *Ruſhworth*, vol. IV. p. 153.

† At the ſame time that the Commons paſſed this bill of tonnage and poundage, they ſent a meſſage to the King, deſiring leave to examine into his income and expences, that they might take meaſures to ſettle a competent revenue on him.

Hume obſerves, that the nature of commerce began now to be underſtood, the inſtructions given by the houſe of Commons to the committee which framed the bill of tonnage and poundage being as follows: That they ſhould take care that the rates upon the home commodities might be as light as poſſible, and upon foreign commodities as heavy as trade would bear. *Hume*, vol. I. p. 269.

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bring the conſtitution back to its firſt principles, to cruſh the wicked deſigns of the miniſtry, and prevent any farther attempt to reduce England to the ſtate of France, the Commons paſſed a bill for triennial parliaments. It was ſtrongly enforced by the lord Digby in a very animated ſpeech: "If this bill miſcarry, ſaid he, I ſhall have left me no public hopes, and, once paſſed, I ſhall have no public fears. I ſhall be bold to ſay, Mr. Speaker, that an accumulation of all the public grievances, ſince Magna Charta, one upon another, unto that hour in which the Petition of Right paſſed into an act of parliament, would not amount to ſo oppreſſive, I am ſure, not to ſo deſtructive, an height to the rights and properties of the ſubject, as one branch of our enſlaving ſince the Petition of Right. The branch I mean is the judgment concerning ſhip-money. Let him, Mr. Speaker, who, for the unmatched oppreſſion and enthralling of free ſubjects, in the time of the beſt King's reign, and in memory of the beſt laws enacted in favour of Liberty, can find a truer cauſe than the ruptures and intermiſſions of parliaments, let him, and him alone, be againſt the ſettling of this bill for the frequent holding them. 'Tis true, wicked miniſters have been the proximate cauſe of our miſeries, but the want of parliaments the primary, the efficient cauſe; ill miniſters have made ill times, but that hath made ill miniſters. Let his majeſty hear our complaints never ſo patiently; let him purge away our grievances never ſo efficaciouſly; let him puniſh and diſpel ill miniſters never ſo exemplarily; let him make choice of good ones ever ſo exactly; if there be not a way ſettled to preſerve and keep them good, the miſchiefs and they will grow again, like Sampſon's locks, and pull down

Ann. 1640. Ruſhworth, vol. IV. p. 146, & ſeq.

Ann. 1640. down the houſe upon our heads: believe it, Mr. Speaker, they will. It hath been a maxim among the wiſeſt legiſlators, that whoſoever means to ſettle good laws muſt proceed in them with a ſiniſter opinion of all mankind, and ſuppoſe that whoſoever is not wicked, it is for want only of opportunity: it is that opportunity, Mr. Speaker, that we muſt take away; which can never be done but by the frequency of parliaments. No ſtate can wiſely be confident of any public miniſter continuing good longer than the rod is over him. Let me appeal to all thoſe who were preſent in this houſe at the agitation of the Petition of Right: of whoſe promotion to the management of affairs do they think the generality would, at that time, have had better hopes than of Mr. Noy and Sir Thomas Wentworth? in that buſineſs, moſt keen and active patriots; the latter of them (to the eternal aggravation of his infamous treachery to the commonwealth be it ſpoken) the firſt mover and inſiſter to have this clauſe added to the Petition of Right, "That for the comfort and ſafety of his ſubjects, his majeſty would be pleaſed to declare his will and pleaſure, that all his miniſters ſhould ſerve him according to the laws and ſtatutes of the realm:" and yet, Mr. Speaker, to whom now can all the inundations upon our Liberties and Properties, under pretence of law, be attributed, more than to Noy? and can thoſe, and all other miſchiefs whereby this monarchy hath been brought almoſt to the brink of deſtruction, be attributed ſo much to any, as to that grand apoſtate to the commonwealth, the now lieutenant of Ireland? The firſt I hope God hath forgiven in the other world; and the latter muſt not hope to be pardoned in this, till he be diſpatched to the other. Let every

every man conſider thoſe men as once they were; the excellent law, for the ſecurity of the ſubject, enacted immediately before their coming to employment; the goodneſs and virtue of the King they ſerved; and yet the high and public oppreſſions which, in his time, they have wrought; and ſurely there is none but will conclude with me, that as the deficiency of parliaments has been the *cauſa cauſarum* of all the miſchiefs of the preſent times, ſo the frequency of them is the ſole catholic antidote that can preſerve and ſecure the future from the like danger. Let no man object any derogation from the King's prerogative by it: His honour, his power, will be as conſpicuous in commanding that a parliament ſhall aſſemble every third year, as in commanding a parliament to be called this or that year; there is more of majeſty in ordaining primary and univerſal cauſes, than in the actuating ſubordinate effects. I doubt not but that glorious king Edward III. when he made thoſe laws for the yearly calling of parliaments, did it with a right ſenſe of his dignity and honour. The truth is, the Kings of England are never in their majeſtic ſovereignty but in parliaments: Where is the power of impoſing taxes? where is the power of reſtoring from incapacities? where is the legiſlative authority? marry, in the King, Mr. Speaker: but how? in the King circled in and invertuated by his parliament. The King, out of parliament, hath a limited, a circumſcribed authority; but, waited on by his parliament, no monarch in the Eaſt is ſo abſolute in diſpelling grievances. In chaſing ill miniſters, we do but diſſipate clouds that may gather again, but in voting this bill, we ſhall perpetuate our ſun, our ſovereign, in his vertical, his noon-day luſtre." Ann. 1640.

Ann. 1640. Bill for triennial parliaments.

THE bill found a ready paſſage through the upper houſe; and was at length, after ſome heſitation, paſſed by the King, to the great and univerſal joy of the public. It was entitled, "An Act for preventing Inconveniencies happening by the long Intermiſſion of Parliaments," and bound the chancellor, under ſevere penalties, to iſſue out writs by the third of September in every year: if the chancellor failed in his duty, any twelve or more of the Peers to exert this authority: in default of the Peers, the ſheriffs, and other proper officers, were to ſummon the voters: and, in their default, the voters were to meet, and proceed to the election of members, in the ſame manner as if writs had been regularly iſſued from the crown; nor could the parliament, after it was aſſembled, be adjourned, prorogued, or diſſolved, without their own conſent, during the ſpace of fifty days.

BESIDES theſe conceſſions, made to calm the rage of the people, Charles thought of weakening the popular party by beſtowing gratifications on their leaders. By the advice of the marquis of Hamilton, a change of miniſters was reſolved on: the earls of Hertford, Bedford, Eſſex, Briſtol, Warwick, with the lords Say, Saville, and Kimbolton, were ſworn privy-counſellors. Juxon biſhop of London, a creature of Laud, who had ſeconded all the arbitrary motions of his patron, both in the Star-chamber and High-commiſſion court, deſirous to ſcreen himſelf from particular cenſure, ſolicited leave to reſign the treaſurer's ſtaff: the earl of Bedford, a popular leader of great authority, was appointed to ſucceed him *;

* The earl of Bedford dying before he took poſſeſſion of the office, it was committed to five commiſſioners. *May's Hiſt.* p. 119.

Hollis

Hollis was to be made ſecretary of ſtate in the place of Windebank; St. John ſolicitor-general in the place of Herbert, who was made attorney-general in the room of Banks, promoted to the Common-Pleas; Pym was to be chancellor of the Exchequer, in place of the lord Cottington, an obnoxious miniſter, and a ſuſpected Papiſt; who, to eſcape proſecution, had reſigned both that and the office of maſter of the Wards; the lord Say was to be gratified with this poſt; the earl of Eſſex was to be made governor, and Hampden tutor, to the prince. The uncorruptible virtue that was found in theſe men put a ſtop to moſt of the intended promotions: St. John, who was appointed ſolicitor-general, oppoſed the court with the ſame vigor and firmneſs as before; and thoſe who were newly admitted of the privy-council, inſtead of vindicating the uſurped power of that board, and drawing juriſdiction to themſelves, gave the King on all occaſions this honeſt advice, that he ought to be directed on every important point by his great council the parliament. Ann. 1640.

CHARLES, finding that inſtead of acquiring partizans he ſhould be ſurrounded by troubleſome monitors, if the intended change took place, let the deſign drop. It is thought that the leaders became more perſonally exaſperated againſt him from this diſappointment; but there are no grounds for this ſuppoſition, ſince Eſſex, who was gratified with the place of chamberlain in the room of Pembroke *, continued as firm as the reſt to his principles and party.

* Pembroke was turned out for uniting himſelf to the popular party.

Ann. 1640. SOME time in the beginning of this year the States-General had ſent a ſplendid embaſſy to Charles, to propoſe ſuch a league as ſhould be found conducive to the intereſt of both nations: at the ſame time, the young prince of Orange demanded the princeſs Mary in marriage. Charles readily agreed to propoſitions ſo favourably preſented to ingratiate himſelf with his people: He had the complaiſance to impart at this time the propoſal to the houſe of Peers, and aſk their advice on it. The Peers teſtified their full approbation, and the marriage was concluded, to the general ſatisfaction of the public. The princeſs at this time was not above twelve years of age.

NOTWITHSTANDING the apparent reformation in the King's conduct, he could not obtain the confidence of the public: His character was totally deficient in the qualities of honour and integrity; his word had been often broken, or meanly evaded; and in all tranſactions with his people he had attempted deceit. The conceſſions he had lately made were known to be oppoſite to his principles, his judgment, and his inclinations, and conſidered as the effect of his neceſſitous circumſtances. The parliament was determined to make a proper uſe of thoſe neceſſities.

Ann. 1641. Trial of Strafford. STRAFFORD'S impeachment had been all this time preparing, and was now carried up to the houſe of Lords: it conſiſted of twenty-eight articles, and regarded his conduct as preſident of the council of York, as governor of Ireland, as counſellor and commander in England. The articles in regard to Ireland related to arbitrary acts of juriſ-

juriſdiction, governing by martial law, billeting ſoldiers, Ann. 1641. enforcing obedience to arbitrary decrees by military power, deciding cauſes before the council which ought to have been decided in the courts of law *, iſſuing proclamations, and puniſhing their infraction, enforcing arbitrary oaths †, ſetting arbitrary impoſitions upon merchandize, granting excluſive licences for importing pipe-ſtaves, making monopolies of tobacco and other commo-

* Among other caſes of this ſort, he was charged with having cauſed an order of the council to be entered againſt the lady Hibbots, by which ſhe was obliged to relinquiſh an eſtate which was conveyed to Sir Robert Meredith for the uſe of Strafford. On the lady's heſitating to perform the order, Strafford ſaid, "If you do not perform it by ſuch a day, I will ſend you to the Caſtle, and there you ſhall lie a month, at the end of which you ſhall be brought to the board, and have five hundred pounds laid on your head; at another month's end a thouſand more, and you ſhall go back to the Caſtle again; and after that, a third month's impriſonment, and your fine increaſed. Your eſtate, I know, is very great, and if it were ten times bigger I will make it crack." *Ruſhworth*, vol. VIII. p. 221, 227.

† The oath impoſed on the Scots was uſhered in with the ſpecious introduction of a petition from ſome of the individuals of that nation, that they might, by ſuch a teſtimony of their allegiance, purge themſelves from the imputation of diſaffection, which they might otherwiſe incur from the treaſonable conduct of their countrymen the covenanters. The procuring ſuch a petition Strafford propoſed at the Iriſh council-table; and the men of fortune of the Scotch nation were ſent for immediately to Dublin. On Strafford's telling them, that it was expected they ſhould do ſomething to vindicate themſelves from any aſperſions that might be flung on them, the biſhop of Downe and Raffo propoſed the petitioning that they might join in an oath. Sir James Montgomery making ſome objections to the ſlaviſh concluſions in the oath, Strafford anſwered, "Sir James, you may petition, or not, as you will; but if you do not, or who doth not, ſhall do worſe." The biſhop of Raffo drew the oath, and the biſhop of Downe complained that it was too cold and mean. *Ruſhworth*, vol. VIII.

dities,

Ann. 1641. dities, and exerciſing cruelties on thoſe who diſputed theſe points. He was charged with obtaining from the King, that no complaint of injuſtice done in Ireland ſhould be received in England, unleſs the party had firſt made their application to him; and that, to prevent any moleſtation in his tyrannical courſe, he put out a proclamation, forbidding any to depart the realm without licence from himſelf *: he was charged with raiſing to his own uſe an hundred thouſand pounds a-year by ſuch acts of oppreſſion †. He was charged with giving power to the biſhop of Downe and Connor, by a general warrant under his own hand, to attach and arreſt the bodies of all ſuch of the meaner ſort, who, after citation, ſhould either refuſe to appear, or appearing ſhould omit to fulfil, or undergo the decrees given againſt them ‡. He was accuſed of reſtoring many Popiſh religious houſes, of raiſing an army of Papiſts, whom he paid punctually, and admitted to exerciſe their religion, whilſt the Proteſtant ſoldiers were unpaid. Theſe were the ſubſtance of the articles that related to Ireland.

* The committees from the Iriſh parliament could not obtain leave to come over to England, till, by the deſire of the Engliſh parliament, the reſtraint which Strafford had laid on the inhabitants of that kingdom was taken off, and a free communication opened between the two nations. *Ruſhworth*, vol. VIII. p. 469.

† After Strafford was impeached, the Iriſh houſe of Commons ſeized the books and accounts of the farmers of tobacco, of which the earl of Strafford was chief, diſcharged their officers and collectors, ordered the keepers of their magazines to give a detail of the debts owing, and confiſcated the whole, to the lord Strafford's damage above eighty thouſand pounds. *Carte's Life of Ormond*, vol. I. p. 127.

‡ This commiſſion was executed with the additional cruelty of wounding, beating, and impriſonment. *Ruſhworth*, vol. VIII. p. 238.

THE crimes that he was charged with as preſident of Ann. 1641. the council of York, and counſellor, were, That he, being made preſident of the King's council in the Northern parts, had put into execution inſtructions againſt law, which never had been practiſed by other preſidents, exerciſed an exorbitant and illegal power over his majeſty's ſubjects in thoſe parts, and fined and impriſoned many to their ruin; and that he might exerciſe this unjuſt power with the greater licence, did procure farther directions, by which he was inveſted with a more oppreſſive and unlawful authority than any of his predeceſſors. He was accuſed of ſaying publicly at the aſſizes held for the county of York, that the King's little finger ſhould be heavier than the loins of the law *. The twentieth and twenty-firſt, ſecond, third, fourth, fifth, and ſixth, articles of his impeachment related to his conduct in the capacity of counſellor: That he had incenſed the King againſt the Scots, adviſed him to an offenſive war, and againſt an accommodation; that he had told the King, if the parliament did not anſwer his expectation, he would ſerve him in another way. He was accuſed of raiſing an army in Ireland of eight thouſand foot and one thouſand horſe; of publicly declaring in England, that his majeſty ſhould try firſt the parliament here, and if that did not ſupply him according to his occaſions, he might uſe his prerogative as he pleaſed, to levy what he needed; he ſhould be acquitted both by God and man if he ſupplied himſelf,

* It was on the occaſion of his laying a command on Sir David Fowlis to repair a bridge: Sir David told him, he could not do it by law. On this Strafford replied, "Sir, ſome are all for law and lawyers; but you ſhall know that the King's little finger is heavier than the loins of the law." *Ruſhworth*, vol. VIII. p. 712.

Ann. 1641. ſelf, though againſt the will of his ſubjects: that he had adviſed the King to diſſolve the laſt parliament, and told him, that having tried the affections of his people, he was abſolved from all rule of government, and might do what power would admit; that he had an army in Ireland that he might employ to reduce this kingdom to obedience. He was alſo accuſed of adviſing the rigorous levying of ſhip-money; of telling the aldermen of London, that they deſerved to be put to fine and ranſom, and that no good would be done with them till an example was made of them, and that they were laid up by the heels, and ſome of them hanged. The twenty-ſixth article charges him with having counſelled the King to ſeize the bullion and the money in the Mint *, and to debaſe the coin, by mixing it with braſs; and that on the officers of the Mint giving him reaſons againſt debaſing the money, he told them, that the French king did uſe to ſend commiſſaries of horſe with commiſſion to examine mens property, that they might know what to levy on them; and that he turned to the lord Cottington, and ſaid, it was a point worthy his lordſhip's conſideration.

THE crimes charged againſt him as a commander in the Engliſh army were, the levying by force, in the late Northern expedition, eight-pence † a-day from each

* On ſeizing the money in the Mint, Strafford ſaid, that the merchants ought to bear the damage; though they thought it a ſtrange buſineſs here, yet beyond ſea it was not thought ſo; if they ſpeeded amiſs they might thank themſelves; they were more ready to help the rebels than to give his majeſty his due: fourteen thouſand pounds they owed for ſhip-money. *Ruſhworth*, vol. VIII.

† This tax was raiſed by military force. Warrants were given tou for paying it, on pain of death. Strafford pretended, that he acted in this

of the inhabitants of the county of York that were poſ- Ann. 1641.
ſeſſed of property; with having loſt Newcaſtle by neglect; and with being the cauſe of the defeat of the Engliſh at Newburn, by peremptorily commanding the lord Conway to fight the Scots, though Conway had repreſented them to be much ſuperior to the troops under his command. The Commons had applied to the King, that he would allow their committee to examine privy-counſellors with regard to opinions delivered at the board: This the King was perſuaded to aſſent to, leſt the denial ſhould occaſion very black ſuſpicions *, but the conceſſion had an effect he did not foreſee: It ſtruck an awe on the licentious debates of that board, where every member, without fear of enquiry and puniſhment, uſed freely to propoſe illegal and treaſonable expedients for the ſupporting the tyranny of the crown.

STRAFFORD having, with his power, loſt his influence over the parliament of Ireland, that aſſembly at this period exerted a freedom of debate, and a vigour of action, which they had never practiſed: Each houſe ſent over into England a committee to aſſiſt in the proſecution of their governor †; put a ſtop to the manner of levying ſubſidies, which had been forced upon them by Straf-

this affair with the conſent of the council of Peers: The truth of this aſſertion thoſe lords denied by a ſolemn proteſtation in parliament. *Ruſhworth*, vol. VIII. p. 37, *& ſeq.* 616.

* The Lords had given leave, that the members of their Houſe ſhould be examined upon oath.

† Not one individual of the Iriſh clergy had ſpirit enough to exhibit a complaint againſt him for the arbitrary manner in which he enforced the Engliſh canons on their church: So that black part of his conduct was not in his charge.

Ann. 1641. ford *; and carried up impeachments againſt Sir Richard Bolton their preſent chancellor, Sir Gerard Lowther their chief-juſtice, and Bramhall biſhop of Derry, all of them the creatures of the lieutenant's promoting, and the tools of his tyranny †.

WESTMINSTER-HALL was pitched on by the parliament for Strafford's trial: Scaffolds were erected, where both houſes ſat; the Lords as the judges, and the Commons as the accuſers ‡. The earl of Arundel, in the abſence of the lord-keeper Littleton, who was ſick §, was ap-

* This tax, according to the manner of levying it, dictated by Strafford, was ſo heavy, that the earl of Cork in one year paid thirty-ſix hundred pounds for his own ſhare. The Iriſh Commons houſe having made an order for the manner of levying ſubſidies in future, Charles, in imitation of the behaviour of king James to the Engliſh parliament, commanded the order to be torn out of their Journals. He afterwards thought fit to give way to reſtoring the order, and agreed that the ſubſidies ſhould be aſſeſſed in the manner inſiſted on by the Commons. *Carte's Life of Ormond*, vol. I. p. 100, 107, 118.

† All the articles of grievances debated in the parliament of Ireland were oppoſed by the whole bench of biſhops there. The biſhop of Meath moved, that as all the lords ſpiritual were againſt the grievances, the naming them in their order might be ſpared. *Carte's Life of Ormond*, vol. I. p. 121.

‡ The Commons ſat bare-headed, whilſt the lords were covered. This the Commons condeſcended to for the following reaſon: Becauſe they ſat as a committee only of the Commons houſe, whilſt the Lords repreſented their whole houſe. The Commons declared, they might come as a houſe if they pleaſed. They reſolved, "That if the earl of Strafford had liberty given him to ſpeak in his defence, before the managers appointed to manage the evidence entered into the management of it, they ſhould forbear to proceed till they had farther orders from the houſe." *Ruſhworth*, vol. VIII. p. 40.

§ On Finch's flight, he was promoted to the ſeals, and created a baron.

pointed

pointed high-ſteward to preſide in the court *. He was Ann. 1641.
thought at this time to retain a ſharp reſentment againſt Strafford for diſappointing him of ſome lands in Ireland, to which he imagined he had a family claim. The Commons objected to the biſhops having a voice in the judgment given on Strafford, becauſe they were forbid by an old canon to aſſiſt in any trial of life. This canon had never yet been adhered to; but, on the preſent occaſion, they did not think fit to irritate farther the anger of the Commons, nor venture the rage of the public, by openly ſupporting Strafford; of themſelves they thought proper to withdraw: And thus the criminal loſt an advantage, which might have put ſome ſtop to the proceedings againſt his life. The Commons alſo voted, that the new-created peers ought to have no voice at this trial, becauſe the accuſation being agreed to whilſt they were Commoners, their conſent to it was implied with that of the Commons of England; and that they would be in the double capacity of judge and accuſer. This was a very wiſe precaution, many Commoners having been made peers on purpoſe to favour Strafford. The majority of this number aſſented to the determination of the Commons; but Sir Francis Seymour, a quondam patriot, who had gotten a title on this occaſion, with ſome others, kept their ſeats, and the matter was no farther debated †.

* The earl of Lindſey was high-conſtable.

† The Lords reſolved, that no uſe ſhould be made of proxies on Strafford's trial. It was determined, that council ſhould not be admitted him as to matters of fact, but only as to matters of law. The Lords reſerved to themſelves the liberty of judging what were matters of fact, and what matters of law; and the Commons declared, that no proceedings in this caſe ſhould be a precedent to their prejudice.

Ann. 1641. WESTMINSTER-HALL was crouded with ſpectators; a cloſe gallery was prepared for the King and queen, who attended during the whole trial, which laſted eighteen days. The managers for the Commons were, lord Digby, Sir Walter Earle, John Pym, John Hampden, Oliver St. John, Jeoffrey Palmer, John Maynard, John Glyn, Eſqs. They ſupported the impeachment by a variety of particular inſtances of an exorbitant exertion of arbitrary power. The firſt day was ſpent in reading the impeachment; on the ſecond day Mr. Pym opened the pleadings. "Strafford boaſts, ſaid this ſagacious nervous orator, that he was a means of calling a parliament: my lords, parliaments without parliamentary liberties are but a fair and plauſible way into bondage. Sir Pierce Croſby, for ſpeaking againſt a bill in the Commons houſe, was ſequeſtered from the council-table, and committed to priſon. Sir John Clotworthy was threatened that he ſhould loſe a leaſe he had. Mr. Barnwell and two other gentlemen were threatened they ſhould have troops of horſe put upon them for ſpeaking in the houſe. Proxies by dozens were given. My lords, parliaments, coming in with theſe circumſtances, they be grievances, miſchiefs, and miſeries; no works of thanks and honour. He ſays, he has executed his commiſſion with moderation. When you find ſo many men impriſoned, ſome adjudged to death, ſome executed without law; when you find ſo many public rapines on the ſtate; ſoldiers ſent to make good his decrees; ſo many whippings in defence of monopolies; ſo many jurors fined for not giving verdicts of his ſide; men of quality diſgraced, ſet in the pillory, and wearing papers; can you think there was moderation? If you compare his courſes

courſes with other parts of the world, he will be found beyond all in tyranny and harſhneſs; but if you compare them with his mind and diſpoſition, perhaps there was moderation: the habit of cruelty in himſelf, no doubt, is more perfect than any act of cruelty he hath committed. If this be his moderation, I may truly ſay that is verified in him, "The mercies of the wicked are cruel." For his honourable way of increaſing the King's revenue; if monopolies, if vexation of the ſubject, be honourable ways, we ſhall leave that to your lordſhips to judge. Moſt of his increaſes have been made upon monopolies. It is true, there is another way of bargaining; but it hath been mixed with rapine, rigor, and injuſtice: men have been driven to reſign their eſtates. Is this a juſt way of improving a king's revenue? That I ſhall ſubmit to your lordſhips *." Ann. 1641.

* Mr. Maynard, in his pleadings againſt Strafford, aſſerted, that treaſon againſt the perſon of the prince fell ſhort of the treaſons he had committed: One prince might be ſucceeded by another; but when Law and Juſtice were taken from the throne, and Will placed in their ſtead, there was no hope of remedy. Mr. Stroud ſaid, that to incite a prince to tyrannical acts was a greater offence than to kill him: he might die otherwiſe with a fair reputation. *Ruſhworth*, vol. VIII.

Strafford was totally ignorant of the tranſactions which had paſſed in Ireland: when the Iriſh remonſtrance was produced at his trial, and that it appeared that the houſe of Commons there had voted him guilty of high-treaſon, he exclaimed, in the bitterneſs of his diſappointment, that there was a conſpiracy to take away his life. He was reprehended for this by the managers, and obliged to aſk pardon on his knees. Beſides thoſe complaints of the Iriſh ſet forth in Strafford's impeachment, the Lords, by a committee of their houſe, complained to the King, that they were obliged, on their abſence from parliament, to leave their proxies with the officers of ſtate. *Guthrie. Carte's Life of Ormond.*

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Ann. 1641. In Strafford's charge, as delivered by the managers, it appeared, that in all his employments he had exercifed very arbitrary acts of power, and his whole conduct fince he had been inveſted with authority had been highly inſolent *. Even in Ireland, the government of which

* Among the many inſtances of imperious expreſſions brought againſt him are the following. On the occaſion of a petition being preſented to him, deſiring the benefit of the graces, he ſaid in full parliament, "You are a conquered nation, and muſt expect laws as from a conqueror;" adding, "The inſtructions given in king James's time, for the government of the courts of juſtice in this kingdom, are inſtructions contrived and procured by a company of narrow-hearted commiſſioners, who knew not what belongs to government." He told the mayor and aldermen of Dublin, on a repreſentation of theirs that the citizens of that town were by law exempted from the maintaining ſoldiers, that their antiquated, worm-eaten charters were nothing worth; the King might do what he pleaſed. On lord Cork's commencing a ſuit at law for the recovery of a poſſeſſion out of which he had been put by Strafford's order, he ſaid to him, "Call in your writs, for if you do not I will clap you in the Caſtle. I will not have my orders diſputed by law nor lawyers." On the ſame nobleman's being proſecuted for breaking what was termed an Act of State, he pleaded, that the act was made in king James's time; and as it had never been publiſhed, nor had he ever heard of it, he conceived there could be no reaſon for the proſecution: to this Strafford anſwered, "I tell you, my lord, as great as you are, I will make you and all the ſubjects of Ireland know, that any act of ſtate, made or to be made, ſhall be as binding to you during my government as an act of parliament." One Martin a lawyer, in his pleading a cauſe at the council-table, ſaid, he had the authority of an act of parliament for what he aſſerted: on this Strafford replied, "Sir, I will make you know that an act of this board ſhall be as good as any ſtatute." On the Iriſh parliament flinging out an act which made it felony to have gunpowder without licence, Strafford ſaid, "That he would make that, and other bills they had voted againſt, acts of ſtate, which ſhould be as binding." Strafford declared publicly at his own table, "That if he lived he would make an act of ſtate to be of equal power with an act of parliament." Sir Pierce Croſby depoſed, that this declaration was the occaſion of the breach between him and the lieutenant. Strafford, on the fining Stewart and Grey very heavily, and impriſoning them for not taking the oath he had impoſed on the Scots in Ireland, publicly declared, "That they were favourably dealt with; that it was high-treaſon not to take the oath, and not to take it in the ſenſe that they were to be obedient to the eccleſiaſtical ceremonies of the church, either eſtabliſhed or to be eſtabliſhed; that he would proſecute to the blood thoſe that reſiſted; the Scots that heſitated on the taking it were traitors and rebels; and if the King would honour him ſo much as to ſend him back, he would eradicate, root and branch, out of the kingdom of Ireland, all of that nation who had any ſuch ſcruples."

Had the King ſucceeded in his ſchemes, Strafford would have had full power to execute his malicious intentions on the Scots; for, according to Carte, he was, by commiſſion under the great-ſeal, made captain-general of all the King's forces in Ireland, with power to lead them into Scotland, to attack and ſuppreſs the rebels, and pardon or deſtroy, as he ſhould think fit. *Ruſhworth*, vol. VIII. *Carte's Life of Ormond*, p. 103.

* To his arbitrary deciſions againſt law he pleaded, that they were errors in judgment; and errors in judgment were not treaſon. To the charge of obtaining an enlargement of his juriſdiction, that it was a chaſte ambition for a man to deſire as much power as he could get, that he might be enabled to do the more good. In excuſe for what he had aſſerted concerning the Dublin-charter, he alleged, the aldermen would not be brought to obey the orders of the board, but ſtood on their charters. The managers for the houſe of Commons replied, that this was a confeſſion that the charter of the ſubjects liberty had been brought to the council-table, and judged there, tho' the council had no power to declare the validity or invalidity of charters. To the general charge of words Strafford pleaded, that it was hard he ſhould be brought in judgment for mere words, and many of them ſpoken a long time ago: this was

had been ever tyrannical, he had out-gone former go- Ann. 1641. vernors, and had been guilty of many unprecedented acts of power.

His anſwer is hardly plauſible, though drawn up with art*: He could not deny the illegality of his actions,

Ann. 1641. nor efface an air of inſolence that ran through all his proceedings. Nothing can be more puerile than his de-

was an abſurd plea, ſince there was no other reaſon for his not having been brought to judgment when thoſe offences were committed, but his being at that time too powerful: the managers reminded him, that he had condemned Mountnorris to death for words of little importance, ſpoken againſt himſelf, an individual; whereas the words with which he was charged were treaſon againſt the conſtitution, and liberties of the ſubject. To the charge of impoſing arbitrary oaths, he pleaded the King's command; it was an act of obedience, and he had rather ſuffer in obeying his majeſty than diſpute his commands: if that act of impoſing the oath was treaſon, notwithſtanding the particular circumſtance of the King's affairs, he ſhould be ready to ſin again, if the occaſion offered: To this Mr. Stroud ſhrewdly replied, he did believe him, and that made him conſider a heavy thing that once befel England, when Gaveſton had opportunity to repeat his bold offences. Mr. Whitlocke obſerved, that he had made his words good concerning an act of ſtate; for no power could legally impoſe an oath but an act of parliament. To the charge of fining, impriſoning, and whipping, for diſobeying proclamations, Strafford ſaid, that he conceived it was a fair and equitable puniſhment for ſo foul a crime. To the charge of enforcing his commands by military power, he pleaded, that he had only done it to ordinary fellows. To the charge of his laying a tax on the county of York, and that this, and the tranſactions of the like nature in Ireland, were levying war on the King's ſubjects, and conſequently conſtrued, in the eye of the law, as levying war on the King, he ſaid, he had done theſe things for the King's honour and authority, therefore it could be no levying of war on the King. For his tranſactions of that kind in Ireland, he ſaid, that a ſtatute of 10 Hen. VII. declared, that no war or peace ſhould be made but by the deputy's licence, and that the deputy had power to make war whenever he pleaſed: To the firſt plea the managers replied, that though there might be no intent on the King's perſon, yet, if againſt his people, ſuch a levying of war was treaſon; homicide of a mean ſubject is againſt the King's crown and dignity, becauſe againſt the protection and ſafety of his people: To the ſecond, that it was true, in caſe of hoſtility or rebellion, the deputy might make a defenſive war; but to do it in time of peace, on the King's ſubjects under the government of his laws, was to

fence on the main article, that of having adviſed the King to proceed in the way of arms; and, if he was denied money by parliament, to raiſe it by other means *. Ann. 1641.

to make war on the ſovereign power that did protect them. To the charge of adviſing the levying of ſhip-money, Strafford alleged, that he had adviſed no other than had been uſed three or four years before his coming into the kingdom; there had been a judgment given for it; it was not for him to diſpute the opinion of the judges, but with humility to ſubmit to better judgment than his own; he had learnt in his own practice, by reaſon of his weakneſs, not to be wiſer than his teachers, or to pretend to know more in other mens profeſſions than they knew themſelves: "We that are not bound to the profeſſion of the law, ſaid he, are not bound to ſpeak the law; we can tell what in our hearts is honourable and juſt, but what is legal is another man's buſineſs." Surely Strafford was not of this modeſt opinion when he argued, that gentlemen were as capable of preſiding over courts of juſtice as lawyers; when he diſdained to ſee gown-men put ſuch a prejudice upon all ſorts of men, as if none were worthy to be truſted with adminiſtration of juſtice but themſelves; when he adviſed Laud to rule the lawyers in England as he did in Ireland. *Vide* p. 163, 192, of this vol.

* Uſher the lord-primate of Ireland ſwore, that he found Strafford of an opinion, that the King might uſe his prerogative if he pleaſed. The lord Conway ſwore, that he heard Strafford expreſs himſelf, that the King might uſe his prerogative if he pleaſed. Sir Henry Vane ſwore, that to the beſt of his remembrance he heard Strafford ſay, that if the parliament did not ſucceed he would be ready to aſſiſt his majeſty any other way. The lord Newburgh depoſed, that he heard Strafford ſay, that as the parliament had not ſupplied the King, he might take other courſes for the defence of the kingdom. The lord Holland depoſed, that Strafford ſaid, that as the parliament had denied the King, it gave him advantage to ſupply himſelf other ways. The earl of Briſtol depoſed, that he heard Strafford ſay, that *ſalus reipublicæ* was *ſuprema lex*; the King muſt not ſuffer himſelf to be maſtered by the frowardneſs and undutifulneſs of his people. Theſe different ſets of words have but one meaning, and amount to the principle, that the King might raiſe money, and levy armies, on the ſtrength of prerogative, alone. To this ſtrong conviction Strafford had no other reply, than that

Ann. 1641. Notwithſtanding the atrociouſneſs of the facts charged againſt him, and proved by a number of able teſtimo-

each different ſet of words was only ſworn by one evidence. "My lords, ſaid he, on the words ſworn by the primate it is to be believed, and it were a great offence in any man to think otherwiſe, that in this caſe any thing can pleaſe the King, he is ſo gracious and good, but what ſhall be juſt and lawful; and then there is no doubt but, ſo far as with juſtice and lawfulneſs, he may uſe his prerogative in caſe of imminent danger, when other means fail." To the words ſwore by lord Conway he ſaid, "Truly, my lords, if I ſhould acknowledge theſe words, I do not ſee how they can be capital in my caſe: it is a very natural motion for a man to preſerve himſelf, though it be to the diſliking of another; and why a king ſhould not do it as well as a ſubject, is ſuch a prerogative of kings as I never yet heard of. For I thought, though they had been gods on earth, yet they are men, and have affections as men, and ſhould preſerve themſelves, being not only accountable for themſelves to God Almighty, but alſo for their ſubjects, whoſe good and benefit is wrapped up in theirs." Strafford farther alleged in his defence, that he thought the King had an abſolute power given him by God Almighty for preſerving himſelf and his people, which could not be taken from him by others, nor by himſelf: the prerogative of the crown was the firſt in the table of the fundamental laws of the land; it had ſomething more imprinted on it than the property of the ſubject, it had a divinity imprinted on it; kings were gods on earth; higher prerogatives than can be ſaid, or found to be ſpoken, of the property or liberty of the ſubject. To the documents given at the council-table, that the King having tried the affections of his people, he was looſe and abſolved from the rules of government, and might do what power would admit; and that his majeſty had tried all ways and was refuſed, and ſhould be acquitted both before God and men; and that he had an army which he might employ to reduce this kingdom to obedience; Strafford acknowledged every part of the charge, but that of his adviſing the King to land the Iriſh army in England, and this becauſe no other counſellor at the table remembered thoſe words but Sir Henry Vane. On this part of his charge lord Ranelagh depoſed, that on directions being left by Strafford to raiſe a large army in Ireland, his creature and boſom-friend Sir George Ratcliffe ſaid, that the King had an army, it was his own fault if he wanted money. Sir Thomas Barrington

nies, and by the whole tenor of his conduct and converſation; notwithſtanding the frivolouſneſs of his defence, Ann. 1641.

rington depoſed, that Sir George Wentworth, Strafford's brother, immediately after the diſſolution of the laſt parliament, declared, that the commonwealth of England would never be well till it was conquered again. And lord Ranelagh ſaid, that himſelf and other counſellors had conceived great apprehenſions that the Iriſh army was to be uſed to raiſe money forcibly in England. For the words he confeſſed, in their nature as treaſonable as thoſe he denied, he made the following weak apology: That it was ſpoken with a ſecret reſervation, that it ought to be done fairly; that theſe were conditions underſtood when we ſpoke of the ſacred majeſty of kings; that this implied it could not be high-treaſon to tell the King, that having tried the affections of his people, he was looſe and abſolved from the rules of government, and might do what power would admit: there was an argument that cleared the intendment and the meaning of the words, which was, that nothing had been done by the King or the council againſt the laws and cuſtoms of the realm. Ruſhworth, vol. VIII. p. 565.

This childiſh argument, ſupported by ſo ridiculous an aſſertion, Strafford, in the courſe of his pleadings, contradicts, by ſaying, that he adviſed the King in a proper time to vindicate the property and liberty of the ſubject from any ill prejudice that might fall from ſuch a precedent; which advice, if true, implied an intention to ſome unconſtitutional, violent act of power. Strafford ſaid, that he had heard an opinion might make an heretic, but never that it could make a traitor. This obſervation is little to the purpoſe, ſince though the opinion of a man, given by way of argument, cannot make a traitor, yet an opinion given by a ſtateſman, as advice to a prince, may certainly be treaſonable. Strafford's plea on that atrocious fact of condemning the lord Mountnorris turned againſt himſelf. He made martial law, a thing contrary to the Petition of Right, which according to the privileges of the nation was to take place in Ireland, an inſtrument of his vengeance to effect what he acknowledges he thought cruel, and which could be done by no other law. Thus he ſatisfied his pride, and ſhewed, that no officer in the army, under his diſpleaſure, had other reſource to ſave himſelf from death, but his clemency. Beſides this ſentence paſſed on Mountnorris, Strafford had by martial law condemned and executed one Denwit, a ſoldier, for ſtealing a piece of beef, though he was adviſed by many

Ann. 1641. a certain blandiſhment of behaviour which he aſſumed on this occaſion; a certain air of importance miſconſtrued into dignity; a certain ſpeciouſneſs of manner, miſtaken for decency and humility; theſe, with the particular circumſtances of his ſituation, reduced in an inſtant from the ſummit of power and ſplendor, to plead as a criminal at the bar of a court of juſtice, produced

many members of the court martial to try him by common law. His arbitrary proceedings againſt the late chancellor Loftus he endeavoured to throw entirely on the King; appealed to an order he had obtained from that eaſy monarch, that the cauſe ſhould be determined by the deputy and council of Ireland; and alleged, that their decree had been afterwards confirmed by his majeſty.

To obtain the ſanction of the royal authority for what he had acted againſt the chancellor, he made uſe of arguments which never failed to have weight with Charles: "If the honour and juſtice of this ſtate, ſaid he, be not vigorouſly borne forth againſt the chancellor's untruths and incivilities, the regal authority will perchance be as much invaded, as roughly dealt with, in this kingdom as in other places; whereas hitherto, God be praiſed, no king can be more abſolute than your majeſty is amongſt us." Farther he told the King, that the chancellor's offence was an high and immediate contempt againſt his majeſty's own power and greatneſs; that his churliſh will preſumed to contend for maſtery with royalty; that he (Strafford) contended for his majeſty's authority, unmixed with any private intereſt of his own. It was the diſtemper of the times to diſpute the higher powers; God and his majeſty were only able to correct and ſtay the madneſs. He aſſured the King, that all his miniſters took the buſineſs of the chancellor extremely to heart, and reſted confident his majeſty would in his wiſdom preſerve his greatneſs and authority. This cant had ſuch an effect on the King, that though he had given the chancellor leave to come over to make an appeal, and receive his diſmiſſion by an eſpecial warrant from himſelf, yet he countermanded this, and gave way to the deputy's keeping the chancellor under reſtraint till he had aſked leave of the board to repair to England, and had ſigned a ſubmiſſion and confeſſion that he had behaved ill and impertinently to the deputy. *Ruſhworth*, vol. VIII. *Strafford's Letters.*

 ſenti-

ſentiments in his favour from the weak part of the audience: the women, in particular, not comprehending, or inattentive to, the ſolidity of the arguments urged by the Commons, deaf to the eloquence and ability of the managers, attended with pity and partiality to the unhappy priſoner. Beſides the favourable ſentiments which he had the art to excite in his ſpectators, through the whole courſe of his pleadings he endeavoured to prejudice his judges in his favour: his expreſſions were full of veneration for the body of Peers, and he inſinuated that their privileges were intereſted in his fate. Mr. Glyn noticed this management, and told the Lords, that though the priſoner had magnified the Peers of the realm almoſt to idolatry; yet when he was in his kingdom in Ireland, and had power over them, he ſhewed the reſpect he had to the Peers of the kingdom, judging ſome to death, committing others to priſon, and ſeizing their eſtates. Ann. 1641.

THE Commons had unqueſtionably proved an intention in Strafford to ſubvert the fundamental laws of the kingdom: this is not within the deſcription of treaſon in the ſtatute of 25 Ed. III. They proceeded againſt him on a ſalvo of that act, which provides, that the King and parliament have power of determining what is treaſon, what not. They therefore voted, that the facts proved upon him were treaſonable.

ON the thirteenth of April, he was called to the bar, and commanded by the Lords to ſum up his evidence: This he did in a long ſpeech, the argumentative part of which is certainly very weak; and his endeavour to extenuate

Ann. 1641. tenuate his crimes very impotent. His arbitrary, extra-judicial acts, he called an over-exerciſing of a juriſdiction. It was not high-treaſon in a judge to enlarge his juriſdiction. " But, my lords, ſaid he, if all theſe had been done without any manner of authority, it had not been a ſubverſion, but rather a diverſion of the law; ſo long as I keep the rule of the law, and do the ſame thing that another man does in a more legal way, I mean in a more warrantable place, I ſay, my doing of the ſame thing in an improper place, is not a ſubverſion, but a diverſion of the law *. If you will bring in the Thames about Lambeth, to come in again below the bridge, the river is the ſame, though the courſe be diverted to another place: ſo the fundamental law is the ſame, though the courſe be diverted to another place. I ſay, the fundamental law is the ſame, only it is carried in another pipe."

THE concluſion of Strafford's ſpeech, in which he endeavoured to repel the principal arguments on which the bill depending in the houſe of Commons was founded, has been ſo much extolled for its ſtyle and weight of reaſon, that the author of an hiſtory of theſe times might be accuſed of partiality in omitting it. " Where has this ſpecies of guilt been ſo long concealed, ſaid he? where has this fire been ſo long buried, during ſo many centuries, that no ſmoke ſhould appear till it burſt out at once to conſume me and my children? Better it were

* To divert a legal and juſt proceeding into an arbitrary one, Mr. Glyn obſerved, was not only turning but corrupting the clear and cryſtal ſtreams of legal juſtice to muddy waters of bitterneſs and death.

to live under no law at all, and, by the maxims of Ann. 1641. cautious prudence, to conform ourſelves the beſt we can to the arbitrary will of a maſter; than fancy we have a law on which we can rely, and find at laſt that this law ſhall inflict a puniſhment precedent to the promulgation, and try us by maxims unheard-of till the very moment of proſecution. If I ſail on the Thames, and ſplit my veſſel on an anchor, in caſe there be no buoy to give warning, the party ſhall pay me damages: but if the anchor is marked out, then is the ſtriking on it at my own peril. Where is the mark ſet upon this crime? where is the token by which I ſhould diſcover it? it has lain concealed under water, and no human prudence, no human innocence can ſave me from the deſtruction with which I am here threatened. It is now full two hundred and forty years ſince treaſons were defined; and ſo long has it been ſince any man was touched to this extent, upon this crime, before myſelf. We have lived, my lords, happily to ourſelves at home; we have lived glorioufly abroad to the world: let us be content with what our fathers have left us; let not our ambition carry us to be more learned than they were in thoſe killing and deſtructive arts. Great wiſdom it will be in your lordſhips, and juſt providence for yourſelves, for your poſterities, for the whole kingdom, to caſt from you into the fire theſe bloody and myſterious volumes of arbitrary and conſtructive treaſons, as the primitive Chriſtians did their books of curious arts, and betake yourſelves to the plain letter of the ſtatute, which tells you where the crime is, and points out to you the path by which you may avoid it. Let us not, to our own deſtruction, awake theſe ſleeping lions, by rattling up a company

Ann. 1641. pany of old records, which have lain for ſo many ages by the wall, forgotten and neglected. To all my afflictions add not this, my lords (the moſt ſevere of any) that I, for my other ſins, not for my treaſons, be the means of introducing a precedent ſo pernicious to the laws and liberties of my country. However theſe gentlemen at the bar ſay they ſpeak for the commonwealth; and they believe ſo; yet, under favour, in this particular it is I who ſpeak for the commonwealth: precedents like thoſe endeavoured to be eſtabliſhed againſt me, muſt draw along ſuch inconveniencies and miſeries, that in a few years the kingdom will be in the condition expreſſed in a ſtatute of Henry IV. and no man ſhall know by what rule to govern his words and actions. Impoſe not, my lords, difficulties inſurmountable upon miniſters of ſtate, nor diſable them from ſerving with chearfulneſs their King and country. If you examine them, and under ſuch ſevere penalties, by every grain, by every little weight, the ſcrutiny will be intolerable; the public affairs of the kingdom muſt be left waſte, and no wiſe man, who has any honour or fortune to loſe, will ever engage himſelf in ſuch dreadful, ſuch unknown perils. My lords, I have now troubled your lordſhips a great deal longer than I ſhould have done, were it not for the intereſt of theſe pledges, which a ſaint in Heaven has left me. I ſhould be loth-----" Here Strafford pointed to his children, and his tears ſtopped his ſpeech. " What I forfeit for myſelf is nothing; but I confeſs, that my indiſcretion ſhould forfeit for them, it wounds me very deeply. You will be pleaſed to pardon my infirmity: Something I ſhould have ſaid; but I ſee I ſhall not be able, and therefore I ſhall leave it. And now, my

my lords, I thank God I have been, by his good bleſ- Ann. 1641.
ſing, ſufficiently inſtructed in the extreme vanity of all temporary enjoyments, compared to the importance of our eternal duration. And ſo, my lords, even ſo with all humility, and with all tranquility of mind, I ſubmit clearly and freely to your judgments; and whether that righteous doom ſhall be life or death, I ſhall repoſe myſelf, full of gratitude and confidence, in the arms of the great Author of my exiſtence."

STRAFFORD'S ſituation is very pathetically expreſſed in this concluſion of his ſpeech; but ſure it is very deficient in argument; ſince it is apparent that a precedent of ſo great a criminal being condemned by the whole power of the legiſlature, could not, in its conſequences, be ſo dangerous to the public, or the liberty of individuals, as the example of crimes of ſo black a nature, and ſo deſtructive to the commonwealth, being committed with impunity. An honeſt and a wiſe man would never fear the ſevereſt ſcrutiny; and the weak and the wicked being deterred from accepting public offices, or, if they did accept them, being kept within juſt bounds by the terrors of an after enquiry and puniſhment, muſt be of infinite ſervice to the well-governing the affairs of the kingdom.

MR. Pym, in language manly and pathetic, breathing ſentiments that nothing but the ſpirit of Liberty could inſpire, cloſed the pleadings of the Commons. He affirmed, that it had been clearly proved that the earl of Strafford had endeavoured by his words, actions, and counſels, to ſubvert the fundamental laws of England

Ann. 1641. and Ireland, and to introduce an arbitrary and tyrannical government. He then proceeded to ſhew the heinouſneſs of the offence: "The law, ſaid he, is the ſafeguard, the cuſtody of all private intereſt. Your honours, your lives, your liberties, your eſtates, are all in the keeping of the law. There cannot be a reaſon more pregnant or fruitful in treaſon, than that given by Strafford for overturning law in Ireland *: it was a conquered country! No doubt, the conqueror may give what laws he pleaſes to thoſe that are conquered; but if the ſucceeding pacts and agreements do not limit and reſtrain that right, what people can be ſecure? England hath been conquered, and Wales hath been conquered, and, by this reaſon, will be in little better caſe than Ireland. If the King, by the right of a conqueror, gives laws to his people, ſhall not the people, by the ſame reaſon, be reſtored to the right of the conquered, to recover their freedom if they can?" In the courſe of this excellent ſpeech Mr. Pym obſerved, that the greatneſs of a king did not conſiſt in domineering over his ſubjects at home, but to incline and diſpoſe the affairs of other ſtates and nations for the good of mankind, and the peculiar advantage of his own people; that this kind of greatneſs had been impaired by the late miſchievous counſels. "As for induſtry and valour, continued he, who will take pains for that wherein he hath no other intereſt, but what is ſubject to the will of another? The ancient encouragement for men to hazard their perſons

* Strafford in his defence had ſaid, that Ireland was a conquered country, and that his illegal exertions there were to maintain the King's abſolute ſovereignty.

ſons in defence of their country was, that they fought Ann. 1641.
pro aris & focis, for their religion and their houſes; but, by the arbitrary ſway practiſed in Ireland, and counſelled here, no man had a certainty either of religion or a houſe. Beſides, their tyrannical courſes have an ill operation on the courage of a nation: a ſervile condition begets in men a ſlaviſh temper and diſpoſition. Thoſe that live ſo much under the whip and the pillory, and ſuch engines as were frequently uſed by the earl of Strafford, may have the dregs of valour, ſullenneſs and ſtubbornneſs, but thoſe noble and gallant affections which put men on brave attempts for the preſervation and enlargement of a kingdom, they are hardly capable of. Shall it be treaſon to embaſe the King's coin, and muſt it not be a greater treaſon to embaſe the ſpirits of his ſubjects, and to ſet a ſtamp of ſervitude upon them?" Strafford's crimes, Mr. Pym ſaid, were contrary to the covenant between the King and his people, confirmed by oath on both ſides. He obſerved, that juſtice Thorpe was put to death for bribery, becauſe in committing that injuſtice he had broken the King's oath, that ſolemn obligation which is the ſecurity to the whole kingdom. Strafford's offence was contrary to the end of government, which was, to prevent oppreſſions, to reſtrain the violence of great men, to open the paſſages of juſtice with indifferency to all. The end of government was, that virtue ſhould be cheriſhed, vice ſuppreſſed; but where arbitrary power was ſet up, a way was open for the advancement and encouragement of evil: ſuch men as were apt for the exerciſe and maintenance of that power were only capable of preferment, whilſt honeſt men, who would not be inſtruments of unjuſt and ille-

Ann. 1641. gal commands, were not only not paſſable for employment, but ſubject to jealouſy and danger. The end of government was, that all accidents and deſigns, all counſels and events, ſhould be improved to the public good; but arbitrary power was apt to diſpoſe all for maintenance of itſelf. The wiſdom of the council-table, the authority of the courts of juſtice, the induſtry of the officers of the crown, the learning of the divines, the juriſdiction of the biſhops, had been all diſpoſed to that effect. The royal power and majeſty of kings was moſt glorious in the proſperity and happineſs of their people; the perfection of all things conſiſted in the end for which they were ordained, in attaining whereof their happineſs conſiſted; but if the means and end were ſet in oppoſition to each other, they muſt needs cauſe a defect in both.

On the abſurdity of Strafford's excuſes Mr. Pym obſerved, that it was true, Liberty belonged to counſellors; but then thoſe matters which were good and beneficial to the commonwealth were the proper ſubjects of counſels; not treaſons, ſuch as the ſubverſion of its laws, and violation of its liberties: they could not be juſtifiable by any circumſtance or occaſion. Strafford being a counſellor made his fault more heinous, as being committed againſt a greater truſt, and in a way of much miſchief and danger. Part of Strafford's apology was, that his counſels were well intended: "Sometimes good and evil, continued Mr. Pym, truth and falſhood, can hardly be diſtinguiſhed; matters hurtful and dangerous may be accompanied with ſuch circumſtances as may make them appear uſeful and convenient: in ſuch caſes good

good intentions will juſtify evil counſels, but when the Ann. 1641.
matters propounded are evil in their nature, ſuch as thoſe wherewith the earl of Strafford is charged, to break public faith, and ſubvert laws and government, they can never be juſtified by any intentions, how good ſoever pretended. He has often inſinuated this, that his counſel was for his majeſty's ſervice, to maintain that ſovereign power with which he is truſted by God for the good of his people. Doubtleſs, this is none of that ſovereign power, that by his own will he may lay taxes on his people: this has been five times adjudged in parliament. He alleges, that his counſel was propounded with divers limitations, and repairing the liberty of the people: this implies a contradiction, to maintain an arbitrary power, and yet to reſtrain it with limitations and proviſions; for even thoſe limitations and proviſions will be ſubject to the ſame abſolute power, and to be diſpenſed with in ſuch manner, and in ſuch time, as itſelf ſhall determine." Mr. Pym concluded his harangue with obſerving, that the forfeitures inflicted for treaſon were, by the law of England, of life, honour, and eſtate, all that could be forfeited; that nothing could be more equal than that Strafford ſhould periſh by the juſtice of that law he would have ſubverted. "Neither, ſays he, will this be a new way of blood; there are marks enough to trace this law to the very original of the kingdom; and if it hath not been put in execution, as he allegeth, for this two hundred and forty years, it was not for want of law, but that all that period hath not bred a man bold enough to commit ſuch crimes as theſe; which is a circumſtance that aggravates his offence, not makes him leſs liable to puniſhment."

The

Ann. 1641. THE matters of fact being closed, Strafford demanded to be heard by his counsel on matters of law. The Commons opposed this, because they had, from the first, intended to proceed by bill of attainder after the closing the evidence of facts. The Lords were extremely unwilling to give up the privilege of being the sole judges of Strafford's guilt or innocence: They declared their resolution of hearing his counsel on the point of law; and Gardiner, the recorder of London, Loe, Lightfoot, and one Lane, attorney to the prince of Wales, were the men appointed for this business. Lane's argument was an attempt to prove that the statute of 25 Ed. III. was a declarative law, and so not to be interpreted as of consequence, equity, or construction, but by the express letter only; and that an act had passed in the sixth of Henry IV. which ordained, that the salvo should be holden repealed in all times to come, and nothing to be esteemed treason, but what was contained in the statute 25 Ed. III. * The Commons thought it below their dignity to

* One of the facts which Mr. Lane quoted, to prove his argument, was the earl of Northumberland's case in the reign of Henry IV. but he stated it diametrically opposite to the truth. This earl was charged with treason, said Lane, and if the statute of 1 Hen. IV. cap. x. whereby the proviso is repealed, had not intervened, no doubt he had been condemned of treason; but he was convicted of felony, and that because he could not be drawn within the letter of the statute 25 Ed. III.

The earl of Northumberland had been in arms against the King, and consequently within the letter of the statute. Henry referred the consideration of his punishment to the judges. This the Peers in open parliament protested against, and declared that judgment belonged to them: They acquitted him of treason and felony, and brought him in guilty of a trespass, fineable to the King. This case is a strong evidence

offer any answer to Lane's argument; but told the Lords, Ann. 1641. they would depute one of their members to satisfy them on the legality of their proceedings. They passed votes, that it was sufficiently proved, that Strafford had endeavoured to subvert the ancient and fundamental laws of these realms of England and Ireland, and to introduce an arbitrary and tyrannical government against law, and that these endeavours were high-treason.

A PAPER was produced in the house, of notes taken by Sir Henry Vane of a debate in council after the dissolution of the last parliament; the title of which was, "No Danger of a War with Scotland, if offensive, not defensive." The notes were as follows:

King Charles. How can we undertake offensive war, if we have no money?

Lord Strafford. Borrow of the city one hundred thousand pounds. Go on vigorously to levy ship-money. Your majesty having tried the affections of your people, is absolved and loosed from all rules of government, and to do what power will admit. Your majesty having tried all ways, and being refused, shall be acquitted before God and man; and you have an army in Ireland that you may employ to reduce *this* kingdom to obedience; for I am confident the Scots cannot hold out five months.

dence in favour of what the Commons asserted, that former parliaments assumed the privilege of declaring in matters of treason, and disclaimed the judgment of inferior courts in all cases of this nature which came before them, according to a declaration of the parliament in 12 Ric. II. *Vide Guthrie*, vol. II. p. 348, 414.

Arch-

Ann. 1641. *Archbiſhop Laud.* You have tried all ways, and have always been refuſed; it is now lawful to take it by force.

Lord Cottington. Levies abroad there may be made for the defence of the kingdom. The lower houſe are weary of the King and church. All ways ſhall be juſt to raiſe money by, in this inevitable neceſſity, and are to be uſed, being lawful.

Archbiſhop Laud. For an offenſive, not defenſive war.

Lord Strafford. The town is full of lords: Put the commiſſion of array on foot; and if any of them offer to ſtir we will make them ſmart.

THIS paper was ſuch a corroborating evidence to what the privy-counſellors had already depoſed on this debate, that a bill of attainder of the earl of Strafford paſſed the houſe, without any greater oppoſition than that of fifty-nine diſſenting votes.

THOUGH we admire that ſpirit of reſentment which theſe notes kindled in the Commons againſt the principal offender, yet it muſt be allowed they were guilty of a deficiency of juſtice in not ſending up at the ſame time an impeachment againſt Cottington, who was in this debate as notoriouſly guilty of treaſon as Laud and Strafford. The partizans of tyranny pretend to palliate Strafford's guilt by alleging, that changing the word *this* into the word *that*, the advice of reducing the kingdom could regard nothing but Scotland, and implies no criminal counſel. Not to lay any ſtreſs upon the ab-

ſurdity of this argument *, the other parts of the diſ- Ann. 1641.
courſe, acknowledged by Strafford himſelf to regard England, are evidently treaſonable †.

MR. St. John was deputed by the Commons to ſatisfy the Lords on the legality of their proceeding by bill of attainder. His diſcourſe was very prolix, and contained great weight of law and learning. He told the Lords, that the Commons had found Strafford guilty of treaſon within the ſtatute of 25 Ed. III. by levying war, upon the matter of the fifteenth article of their charge ‡. They found him guilty of treaſon by aſſeſſing and laying ſoldiers § on the ſubjects

* Since the queſtion in debate being how to get money of the Engliſh, the diſcourſe muſt be downright nonſenſe, if it did not mean the employing violence to reduce the kingdom which denied money.

† The notes either were, or were pretended to be, obtained clandeſtinely by Sir Henry Vane's ſon, out of a cabinet in which he had been ſent to ſearch for other papers by his father. If this was only a pretence, to ſcreen Sir Henry Vane from being thought an inſtrument in expoſing that which he had no mind to conceal, it was the moſt unneceſſary piece of hypocriſy that ever was attempted. The diſcovery muſt have done him credit with every perſon who thought juſtly; ſince it is inconſiſtent with true honour, or the duty of a good citizen, to conceal treaſonable counſel againſt the liberty of his country, whereſoever projected or ſpoken. The poſition, that the oath of a privy-counſellor binds him to be guilty of ſo great a crime, is dangerous, illegal, and abſurd.

‡ Mr. St. John ſhewed, that the law made a diſtinction between ſubject's levying of war againſt ſubject on matters of a private nature, and the levying of war to enforce arbitrary power, and alter the laws, ſtatutes, and government of the realm.

§ This was inflicted by way of puniſhment for diſobedience to the deputy's orders. The ſoldiers that were thus aſſeſſed on the ſubject

Ann. 1641. of Ireland, within the Iriſh ſtatute of 18 Hen. VI. * and laſtly, they found him guilty of treaſon by the common law, in endeavouring to ſubvert the fundamental laws and government of the realms of England and Ireland, and inſtead thereof to introduce a tyrannical government againſt law. The ſtreſs of Mr. St. John's argument was, that Strafford was guilty of treaſon by the common law of the land, and that the ſtatute of 1 Hen. IV. was only to regulate the common courts of juſtice, not to limit the power of parliaments. There ſeems to be a great deal of reaſon in what he urged on this point. There

killed their cattle, and conſumed their proviſion at their pleaſure. This burthen the ſubject was to ſuſtain till they conformed in all things to the deputy's pleaſure.

* Concerning this article Strafford pleaded, that by the ſtatutes of 8 Ed. IV. and 10 Hen. VII. the Engliſh ſtatutes were brought into Ireland, and conſequently the Iriſh ſtatute of 18 Hen. VI. was rendered invalid by the 1 Hen. IV. which ſays, that in no time to come treaſon ſhall be adjudged otherwiſe than is ordained by the ſtatute 25 Ed. III. This objection was little efficacious, becauſe an act of parliament, enacted at the ſame time of that of 10 Hen. VII. declares, that all the Iriſh ſtatutes excepting two, whereof the Iriſh ſtatute 18 Hen. VI. was none, ſhould ſtill be in force. To an objection Strafford made, that he could not be tried in England for offending againſt the Iriſh laws, Mr. St. John brought examples to prove that ſeveral deputies had been tried in England for offences committed in Ireland; that the common law, the expoſitor of ſtatutes, was the ſame in both countries; and that writs of error in pleas of the crown, as well as in civil cauſes, had been brought even in the inferior courts of Weſtminſter, upon judgment given in the courts of Ireland; that writs of error lie in the parliament of England on erroneous judgment given in the Iriſh parliament; that acts of parliament made in Ireland have been confirmed by the parliaments of England; and that there had been ſtatutes made in England which concerned the lives of the Iriſh ſubjects. *Ruſhworth*, vol. VIII.

have

have been precedents ſince that time of men being convicted at common law, and impeached and attainted by parliament, for treaſons not ſpecified in the ſtatute of 25 Ed. III. Sir John Mortimer, after 1 Hen. IV.; the duke of Suffolk in Henry VI.'s time, for making an improper peace with France; and Empſon and Dudley, in Henry VIII.'s time, convicted at common law of high-treaſon, for ſubverting the laws of the land *. The ſtatute of Ed. III. ſeems to have been framed with the laudable intention of protecting the ſubject againſt the violence of kings and miniſters, and therefore has with great care enumerated treaſons that related perſonally to the King, but meddles not with original ones, for which Strafford was impeached; concerning treaſons againſt the nation, ſuch as diminiſhing its power, its glory, or its intereſt in the way of trade: concerning treaſons againſt the conſtitution and laws of the land it is entirely ſilent, and leaves their puniſhment to the diſcretion of the legiſlative power. If theſe treaſons were as well defined as thoſe which relate merely to the perſon of the King, it certainly would be advantageous to Liberty; but a toleration of them is totally inconſiſtent with the ſafety of the conſtitution. St. John did not ſtrictly confine his arguments to points of law; his warmth betrayed him into the indiſcretion of advancing poſitions which have been much cavilled at: That were the teſtimony againſt Strafford not ſtrictly what the law required, yet, in this way Ann. 1641.

* The lawyers, in their pleadings for the proſecuted members, Sir John Elliot, *&c.* quoted the ſtatute of 25 Ed. III. and alleged, that the parliament was to determine what was treaſon, what not. The lawyers for the crown alleged, that the poſitive law had always made explication and expoſition on that ſtatute. *Vide* p. 72.

Ann. 1641. of bill, private ſatisfaction to each man's conſcience was ſufficient; that the earl had no title to plead law, becauſe he had endeavoured to deſtroy the law. "It is true, added he, we give law to hares and deers, for they are beaſts of chace; but it was never accounted cruel nor unfair to deſtroy foxes and wolves wherever they can be found, for they are beaſts of prey."

THOUGH it was highly imprudent to uſe theſe arguments in a diſcourſe that ſhould have been merely confined to matter of law, yet certainly there was reaſon in what St. John advanced: A full conviction of crimes may be obtained from a complication of facts and circumſtances, the nature of which, as in this caſe, cannot admit of two witneſſes to every article; but every article and circumſtance may ſo corroborate the charge, as to amount to a more convincing proof than what is required by the forms of the law: theſe forms ought never to be diſpenſed with in any accuſation of a private nature; yet the man who would heſitate to proſecute or condemn a criminal, who it was rationally proved had, like Strafford, been guilty of atrocious acts of oppreſſions, and made bold attempts to enſlave his country, muſt be very lukewarm in the cauſe of public juſtice, and have very narrow ſentiments in regard to Liberty. The arbitrary principles which it was apparent were diffuſed through all his government, made him a more noxious miniſter than a million of unjuſt acts which had been clear of this tinct. Arbitrary principles deſtroy Liberty; the evil is univerſal and perpetual: acts of mere injuſtice are temporary evils, and affect but individuals. Strafford preferred a petition to the Lords, that he

he might be heard again in point of law, to make a de- Ann. 1641.
fence againſt the bill of attainder. This the Lords, out of reſpect to the lower houſe, thought fit to deny.

CHARLES, who had been flattered that the Commons, in their proceedings againſt Strafford, would find a firm oppoſition from the Peers, was ſo greatly alarmed at this piece of complaiſance, that he went immediately to the upper houſe, and calling up the Commons to the bar, made a ſpeech to both houſes to the following effect: "That he was convinced Strafford had been guilty of ſuch miſdemeanors, that he was not fit to ſerve him or the commonwealth in any place of truſt; no not ſo much as to be a high-conſtable. He had been preſent at the hearing of his trial from one end to the other, and could not in conſcience condemn him of high-treaſon. He hoped they knew what a tender thing conſcience was; he would do great matters to ſatisfy his people; but that no fear nor reſpect ſhould ever make him go againſt his conſcience."

THIS premature declaration ſet the Commons in a flame. At their return to their houſe, they fell into a hot debate, in which it was ſaid, that his majeſty had in his ſpeech plainly aſſerted, that an attempt to ſubvert the fundamental laws of the kingdom, and introduce an arbitrary government, was not treaſon; that if the King might take notice of what bills were paſſing in either houſe of parliament, and declare his opinion before they came before him in a parliamentary courſe, it was to fore-judge their counſels, which would prevent them from

Ann. 1641. from applying remedies to the commonwealth ſuitable to the diſeaſes it laboured under. On theſe arguments the houſe voted, that this act of the King's was the moſt unparalleled breach of privilege that had ever happened *. The bill of attainder met with ſo great an oppoſition amongſt the Peers, that the Commons would have found it a difficult matter to ſucceed in this important point, had they not been aſſiſted by ſeveral favourable occurrences ariſing from the King's imprudence, or rather treachery. The facility with which the parliament had hitherto obtained what they demanded of the King had been owing to his extreme deſire to get rid of ſo troubleſome a ſet of counſellors: He every day expected that they would diſband both armies; and, according to what they had artfully flung out in ſeveral ſpeeches, ſettle on the crown an ample revenue on an independant footing. In this ſituation he flattered himſelf, that he ſhould be able to get rid of thoſe fetters which his forced conceſſions had impoſed on the monarchy. But finding, contrary to his hopes, that the Commons, diſtruſting his ſincerity, were determined, notwithſtandiug the expence, to detain their Scotch friends till they had perfected a reformation on a ſolid conſtitutional baſis, he became inflamed with anger and impatience, and attempted a very criminal expedient to free himſelf from a ſituation which his pride could no longer endure.

* Strafford either being ſenſible of the bad effects which the King's interfering might have on his fate, or diſguſted with the expreſſions he threw out concerning his conduct, was ſo much hurt with this ſtep, that he wrote a letter to the King, ſignifying his wiſhes that he had left him to the juſtice of the Lords.

THE two armies remained ſtill in the Northern parts, Ann. 1641. and were ſupplied from time to time with money from the parliament. On one particular occaſion that the Scots had made very preſſing demands, ten thouſand pounds were ſent to them out of fifty thouſand which had been deſigned for the Engliſh army. The Engliſh army, without attending to circumſtances, or comprehending the difficulties the Commons lay under, ſhewed ſymptoms of great diſpleaſure. Commiſſary Wilmot, a member of the lower houſe, told the ſpeaker, that if the Scots could get money for ſending a piece of paper, he did not doubt but the Engliſh officers would fall upon the ſame expedient. This coming to the King's ears, he endeavoured to turn this accident to his advantage, and attach the army to himſelf. In all his converſation with the general officers, he lamented the partiality of the parliament to the Scots, and promiſed if the Engliſh officers would be faithful to him, he would pawn his jewels to feed them and their ſoldiers. The earl of Northumberland and other principal officers being in London, the army was commanded by Sir Jacob Aſhley, a creature of the King's, and one whom Strafford had preferred to his ſervice.

THE queen, who, without the requiſite talents, had more than a female propenſity to intrigue, entered with greater violence than judgment into the extreme of the King's propoſition, and formed a ſcheme for bringing the army up to London, to ſurprize the Tower, overawe the parliament, and fortify Portſmouth. Two poets, Sir John Suckling and William Davenant, with a

Attempt to debauch the army.

Mr.

Ann. 1641. Mr. Jermyn, were her confidants and counſellors. The ſcheme was communicated to the ſon of lord Goring, an officer of a debauched and profligate character. The earl of Newcaſtle was to be general, Goring was to be lieutenant-general, and the King and prince of Wales, with one thouſand horſe, were to join the troops in Nottinghamſhire. Piercy brother to the earl of Northumberland, Willmot, Aſhburnham, Pollard, Berkley, and O'Neal, had communicated with the King on a deſign to engage the army in his favour; and, according to directions, had drawn up a petition, which he promiſed to get ſubſcribed by the officers of the army, againſt the leſſening the power of biſhops, againſt the diſbanding the Iriſh army till the Scots were diſbanded, and for the ſettling the King's revenue; promiſing their aſſiſtance for the accompliſhing theſe points *. To this petition the King had the imprudence to ſign C. R. as a token of his approbation.

Bold and dangerous as was the deſign, yet it did not match the violence of the queen's temper, nor entirely ſatisfy the King. Piercy, the principal agent between the King and theſe officers, was preſſed by the King to admit Goring and Jermyn into their cabal; and this, notwithſtanding Piercy repreſented that the things theſe men aimed at were beyond what the army could be brought to undertake, it was at length reſolved, that

* Clarendon pretends to give the true petition which was preſented to the King; but Rapin has ſhewed, that this petition inſerted in the Hiſtory of the Civil Wars could not be the real one, becauſe it mentions facts which happened after the time the plot was diſcovered. *Rapin*, vol. XI. p. 134.

the

the two ſets of conſpirators ſhould meet to determine on a general plan of action, under an oath of ſecrecy not to communicate any thing that ſhould paſs amongſt them. The army, very much to their honour, had the good ſenſe to reject ſome propoſals that were made to them from this cabal; and Goring, having quarrelled with the party, diſcovered the whole plot to the leaders of the parliament. Ann. 1641. The plot diſcovered.

Mr. Pym communicated the intelligence to the houſe. There were informations given, he ſaid, of deſperate deſigns, both at home and abroad, againſt the parliament and the peace of the nation. There was an endeavour to diſaffect the army, and bring them to over-awe the parliament; there was a deſign upon the Tower, and attempts for the earl of Strafford to eſcape; that theſe combinations at home had a correſpondency with practices abroad: The French were drawing down their forces to the ſea-ſide; there was cauſe to fear their intent was upon Portſmouth; divers perſons of eminency about the queen were deeply engaged in theſe plots. Both houſes were ſo affected with the proſpect of their danger, that a proteſtation, declaring that the ſubſcribers would unite to defend their Religion and Liberties, was taken by almoſt every member of the Commons houſe *, Proteſtation of both houſes.

* The preamble to the proteſtation relates, that the members of the Commons houſe finding the church in danger from the late bold practices of the adherents to the ſee of Rome, and that there had been and were endeavours, even during the ſitting of parliament, to ſubvert the fundamental laws of England and Ireland, and to introduce an arbitrary government; that through the unhappy breach of parliaments the ſubjects had been vexed with divers oppreſſions, ſuperſtition brought

Ann. 1641. and by all the Lords, except Southampton and Roberts, who refuſed it on pretence that there was no law that enjoined it. A few days afterwards, by an order of the Commons, the proteſtation was publiſhed, with an explanation that the doctrine of the church, ſpecified in it to be defended, was only meant ſo far as it was oppoſite to Popery and Popiſh innovations; not to extend to the maintaining any form of worſhip, diſcipline, government, rites or ceremonies of the church of England. The proteſtation, with this explanation, was recommended by the lower houſe to be taken by the whole nation *.

THE Commons were not deficient in the neceſſary meaſures to defeat the deſigns of their enemies: They ſent cloaths and proviſions to the army, with a letter promiſing the ſpeedy payment of their arrears. The lord Mandeville, Sir Philip Stapleton, and Sir John Clotworthy were ſent down to Portſmouth to inſpect the garriſon, and, if they ſaw cauſe, to ſecure the governor: fif-

into the church, multitudes driven out of his majeſty's dominions, a Popiſh army levied in Ireland, and two armies maintained in the bowels of the kingdom, to the conſumption of the treaſure of the realm; and finding that endeavours have been uſed to incline the Engliſh army to ſupport by force wicked counſels, have, &c. *Ruſhworth*, vol. IV. p. 241.

* The Commons paſſed a bill for the general taking the proteſtation. On the Lords throwing this bill out of their houſe, the Commons paſſed the following votes, and ordered them to be printed; *viz.* That this declaration is fit to be taken by every one that is well-affected in religion, and to the good of the commonwealth; and therefore whoever refuſes to take it is unworthy to bear office in the church or commonwealth. *Parl. Hiſt.* vol. IX. p. 463, *& ſeq.*

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teen barrels of gunpowder, going that way, were ſtayed; Ann. 1641. orders given that the forces in Wiltſhire and Hampſhire be drawn towards Portſmouth, and the forces in Kent and Suſſex towards Dover. All the ſea-ports were ſhut up, and Strafford made cloſe priſoner. The Commons declared, that whoſoever ſhould give counſel or aſſiſtance to bring any foreign force into the kingdom, unleſs by command of his majeſty, with conſent of both houſes of parliament, ſhould be adjudged as public enemies to the King and kingdom. The queen having declared her intentions to go to Portſmouth, was addreſſed by both houſes to lay aſide her journey.

ON the firſt intimation of a diſcovery, Piercy concealed himſelf, and Jermyn fled the kingdom *. Proclamations were iſſued for apprehending the conſpirators. Goring delivered his evidence before the houſe; and Piercy wrote a letter to the earl of Northumberland, confeſſing all the particulars †: They both agreed in their teſtimonies with regard to the oath of ſecrecy, which circumſtance was denied by Pollard, Aſhburnham, and

* Both houſes ſent to deſire the King to prevent any ſervant of his or the queen to abſent themſelves till examination was perfected: this he promiſed to perform; and notwithſtanding gave a paſſport to Henry Jermyn. *MS. Journals of the Lords.*

† The King called God to witneſs, that he never knew of any deſign to bring the army up to London. This circumſtance carries a ſtrong mark of Charles's character. It appears by this depoſition, ſays Rapin, that ſuch a deſign was propoſed in the aſſembly of officers, but not approved; ſo the King could affirm he knew of no ſuch reſolution, becauſe, in effect, it was never reſolved, though he was not ignorant of its having been propoſed.

Ann. 1641. Wilmot. One captain Billingſly being examined upon oath, confeſſed that Sir John Suckling had offered him promotion; that having notice to attend at the privy lodgings at Whitehall, he there received orders to get an hundred men to ſerve in the Tower under him, being threatened withal, that if he failed he ſhould anſwer it with his life. Sir William Balfour, lieutenant of the Tower, depoſed, that he had orders to receive captain Billingſly, with an hundred men, into the Tower: That at the ſame time the earl of Strafford informed him of his intended eſcape; told him, that without his concurrence it could not be done; that if he would conſent he would make him preſent payment of twenty-two thouſand pounds, beſides a good marriage for his ſon *: That he, the lieutenant, replied, he was ſo far from concurring therein, that he was not to be farther moved in ſuch a thing.

THE parliament preſented an addreſs for diſarming Papiſts †, and removing them from court ‡, and for diſ-

* He was offered a daughter of Strafford's for a match with his ſon. The lord Cottington, conſtable of the Tower, had mounted artillery on its walls; but on a repreſentation of the Commons, the artillery was diſmounted, Cottington's command cancelled, and the care of the Tower wholly conſigned to Balfour. Some time after, the earl of Newport was made conſtable.

† In the Engliſh army there was a troop called Reformadoes. This troop, I imagine, conſiſted of men who had renounced Popery. The houſe of Commons, however, were jealous of them, and ordered the lord-general to diſband them. By the ſame authority, all the officers and common ſoldiers who were Papiſts were turned out of the army.

‡ The parliament complained, that the proclamation which had iſſued out on a former petition againſt Papiſts was very fallacious and unſatisfactory;

banding the Iriſh army. Charles anſwered, that he Ann. 1641.
would take care that there ſhould be no juſt cauſe of ſcandal as to Papiſts; but he met with difficulties in diſbanding the Iriſh army; that it would become the parliament to begin with diſbanding the two armies in England. This anſwer exaſperated the houſes. Tumults daily increaſed. The frightened citizens were every day alarmed with the account of freſh conſpiracies. In Lancaſhire great multitudes of Papiſts were gathered together: they held ſecret meetings, and appointed faſts for the ſucceſs of ſome great event; and the prieſts had the imprudence to declare, that the parliament would ſoon be diſſolved, for the Engliſh army was to march up to the aſſiſtance of the King, and that they would be joined by French forces. Intelligence was given of proviſion of arms making beyond ſea. Sir Philip Cartwright, governor of Guernſey, wrote word, that he heard the French had a deſign on that iſland, or on ſome part of England. From letters that were ſtopped going to and coming from France, it appeared, that the earl of Strafford was expected there, and that the cardinal had been ſolicited to interrupt the proceedings of the parliament *.

unſatisfactory; that they ſtill obtained letters of grace to protect them; and that a complaint had been made before the judges in the King's-Bench; that there were above ſix thouſand Recuſants in one pariſh. In the heighth of that popular odium which the party of Recuſants had incurred, one James, a Papiſt, aſſaulted and ſtabbed with a knife Heywood, a juſtice of peace, for having prepared a liſt of Recuſants to be preſented to the houſe of Commons. This act of violence helped to inflame and alarm the nation to that degree, that Clarendon looks upon it as one of the incidents that hurried on the fate of Strafford.

* The following are paſſages of a curious letter written from Father Philips, the queen's confeſſor, to Wat Mountague, a Papiſt in France.

Ann. 1641. TWENTY thouſand inhabitants of London, of good rank and quality, preſented a petition to both houſes, that they would determine the fate of Strafford; it complained of grievances unredreſſed; and that the incendiaries of the kingdom, and other notorious offenders, were left unpuniſhed. The names of the fifty-nine Commoners who voted againſt the bill of attainder, were paſted up under the title of Straffordians, and betrayers of their country *. The Spaniſh ambaſſador,

" The good King and queen are left very naked: the Puritans, if they durſt, would pull the good queen in pieces. Can the good king of France ſuffer a daughter of France, his ſiſter, and her children, to be thus affronted? Can the wiſe cardinal ſuffer England and Scotland to unite, and not be able to diſcern that in the end it is like they will join together, and turn heads againſt France? A ſtirring, active ambaſſador might do good here. I have ſent you a copy of the King's ſpeech on Saturday laſt, at which time he diſcharged his conſcience concerning the earl of Strafford, and was adviſed to make that ſpeech by the earl of Briſtol and lord Saville." *Ruſhworth*, vol. IV. p. 257.

Father Philips proceeds to give an account of tumults which happened at this time: " The King is much dejected, adds he, the Lords much affrighted, which made the citizens and the houſe of Commons ſhew their heads. Some have braved little leſs than to dethrone his majeſty, who, if he had but an ordinary ſpirit, might eaſily ſuppreſs and quaſh theſe people." *Ruſhworth*, vol. VIII. p. 751.

Clarendon accuſes the lord Say of having, with a treacherous deſign, adviſed the King to make a ſpeech in favour of Strafford. Father Philips is at this time a better authority for what related to the ſecrets of the court.

* In this liſt was the lord Digby, who, to the ſurprize of all his hearers, had made a very warm ſpeech in the houſe againſt the bill of attainder. This light young man had entered with great vehemence into the oppoſition; and his eloquence had gained him ſo much reputation with the party, that he was appointed one of the managers to ſupport the charge againſt the earl of Strafford. This he did with ſuch judicious

whoſe houſe was a notorious receptacle of Papiſts, was Ann. 1641. inſulted by the mob. The queen-mother, who remained ſtill in England, was ſo terrified with the curſes and imprecations of the people, that ſhe deſired to have a guard: no ſoldiers could be found who would undertake the employment. This being repreſented to the houſe, they agreed, that her perſon ſhould be protected by a guard, but at the ſame time deſired ſhe might be moved to leave the kingdom, for the quieting of people's jealouſies, occaſioned by ill inſtruments about her perſon, and the flocking of prieſts and Papiſts to her houſe *. The bill

judicious acrimony, that when Strafford excepted againſt the lord Cork as a witneſs, becauſe he might be influenced by reſentment for received injuries, Digby replied, " Truly if ill will to my lord Strafford ſhould be an exception to a witneſs, I am afraid there will be few in the three kingdoms whoſe teſtimonials will not be prejudiced." He was not leſs ſevere upon this offender in his ſpeech for triennial parliaments: " He muſt not hope to be forgiven in this world, ſaid he, till he is diſpatched to another." Notwithſtanding this appearance of zeal in the cauſe of juſtice and his country, Digby had enliſted under the banners of Liberty on no one ſolid principle. His patriotiſm aroſe from the reſentment of the affronts his father had received from the King, and his having been himſelf ſent to the Fleet on a trifling occaſion. On his becoming conſiderable in the lower houſe, he found a very different reception at court, and became ſo intoxicated on receiving ſome ſmiles from the queen, that he entered with impetuoſity into the meaſures of the crown, was the undertaker and executor of all the low ſchemes forged at Whitehall, and was ſo baſe, that being one of the committee appointed to manage the proſecution againſt Strafford, he ſtole away the paper of Sir Henry Vane's notes, and made a ſolemn proteſtation to the houſe, that he did not convey it away, nor did he know what was become of it.

Strafford's Letters, vol. I. p. 261, & ſeq.

Whitlock.

* Sir John Holland, in a ſpeech he made concerning grievances, complained, that foreigners and ſtrangers were entertained at the exceſſive charge of the crown. The allowance Charles I. made the queen-

Ann. 1641. of attainder not having yet paſſed the Lords, the people, with loud cries for juſtice, crouded round that houſe, and when any one of that body, who were thought not to favour the bill, appeared, they were ſurrounded by the populace, who profeſſed that they would be governed and diſpoſed by the honourable houſe of Commons, and defend their privileges according to their late proteſtation. At length, when the dependants on the crown were frightened from their attendance by the rage of the people, the bill of attainder paſſed, with nineteen diſſenting votes, the houſe being compoſed of forty-five members *.

Bill of attainder againſt Strafford paſſes the Lords. 7 May.

THE paſſing this bill was not the only advantage the popular party gained by the terror and reſentment of the public on the diſcovery of the late plot. All the money

mother was one hundred pounds a-day. *Parl. Hiſt.* vol. IX. p. 75. *May's Hiſt.* book I. p. 108.

* The following clauſe is in the bill of attainder: "Provided, that no judge or judges, juſtice or juſtices whatſoever, ſhall adjudge or interpret any act or thing to be treaſon, nor hear or determine treaſon, in any other manner than he or they ſhould or ought to have done before the paſſing this act." This clauſe, which relates to judges in inferior courts, is conſiſtent with all the arguments urged by the Commons for the legality of their proceedings againſt Strafford; the ſtatute of 1 Hen. IV. cap. xvii. being, as they aſſerted, to take away the parliamentary power of declaration of treaſons, whereby the inferior courts receive juriſdiction, and reſtrain it to bill, that it might operate no farther than to the particulars contained in the bill. This clauſe of the Commons, in the bill of attainder againſt Strafford, ſhews a very laudable attention to the preſervation of public Liberty; yet it has been repreſented by monarchical writers, that the bill of attainder was of ſo extraordinary a nature, that the legiſlators themſelves were obliged to inſert a clauſe that it ſhould never be drawn into precedent.

for

for the payment of the armies, and the gratifying the Scots, had been raiſed in the city of London; ſome part of it on the credit of particulars who were members of the lower houſe. Theſe creditors began now to conſider on the deſperateneſs of their ſituation, if the parliament ſhould be ſuddenly diſſolved before an act paſſed for their indemnification. The commiſſaries of the money negotiation ſaid, there was no hope of borrowing more money on the ſlender ſecurity of parliament, ſince it had been found out, by the late diſcovery of a plot, that there was no good meaning towards that aſſembly. To obviate theſe difficulties it was agreed, that a bill ſhould be prepared, that this parliament ſhould not be adjourned, prorogued, or diſſolved, but by act of parliament. It was urged, that this expedient was the only way to calm the fears of the people, and ſatisfy them that the King's intentions were gracious; that for this reaſon he could never deny his aſſent. The motion was received with univerſal approbation: a ſhort bill was prepared, and paſſed the houſe with little oppoſition; the Lords propoſed an alteration, that the time ſhould be limited, and not be left indefinite; but the Commons ſtanding firmly to their own bill, the Lords gave up the point, and paſſed it without any alteration.

Ann. 1641.

Bill for continuing the parliament paſſes both houſes.

DURING theſe tranſactions, the King's ſituation was truly pitiable: His imprudence had raiſed a ferment through the whole kingdom, which threatened a dangerous commotion; nor could he, in the preſent exigencies, find any reſource, or other ſecurity for his perſonal ſafety, than ſubmitting to the will of the people. The judges, on being conſulted, declared the bill was legal,

Ann. 1641. and that the earl was guilty of treaſon. The privy-council, without one of the body venturing to interpoſe other opinion, told him, that there was no other way to preſerve himſelf and poſterity than by paſſing the bill of attainder againſt Strafford. The queen became an importunate ſolicitor for his death: ſhe was driven to this by her fears, and the artful inſinuations of ſome of her confidants, particularly the earl of Holland, who flattered her with hopes that on the death of Strafford, and Laud, her authority over the King would be yet more abſolute; and ſhe might, by interpoſing her influence towards the obtaining what was ſo ardently deſired by the public, gain ſome intereſt with the popular party. The King, in his anxiety of mind, put the caſe of conſcience to ſeveral biſhops; they applied themſelves to remove his ſcruples: amongſt theſe was Williams, who, notwithſtanding his former diſcouragements and ill uſage, cringed and fawned to Charles * and his party, and on

* Beſides the proſecutions already mentioned, Laud had entered another againſt this prelate, in order to degrade him. Williams appealed to a parliament; but the difficulties of the miniſtry increaſing, the affair was dropped. Williams had lain above three years and an half in the Tower when this parliament met: he in vain petitioned the King for his liberty, and his writ as a peer to ſit in parliament. The houſe of Lords, ſixteen days after their meeting, ſent an order to the lieutenant of the Tower to deliver him, and he was conducted by their uſher to the houſe. Williams had drawn up an hiſtory of his ſufferings, with an intention to preſent it to the parliament; but he no ſooner was in a capacity to perform ſervile offices for the crown, than he oppoſed all the popular motions in a manner which at length drew ſome civilities from the King, who ſent to confer with him concerning his affairs, directed all orders filed againſt him to be eraſed, promoted him to the ſee of York, and permitted him to hold his deanry of Weſtminſter *in commendam*. *Hacket's Life of Williams*, fol. & oct. ed.

theſe

theſe merits was promoted to the archbiſhopric of York. Ann. 1641. Williams ſtated the caſe to him in the following manner: "Whether, as his majeſty refers his own judgment to his judges, in whoſe perſon they act in the courts of law, and it lies on them if an innocent man ſuffer, his majeſty may not ſatisfy his conſcience in the preſent matter; that ſince competent judges in law have awarded, that they find guilt of treaſon in the earl, that he may ſuffer that judgment to ſtand, though in his private mind he is not ſatisfied that the lord Strafford is criminal."

THIS is a ſenſible ſtate of the queſtion, which was in reality a point of honour, not of conſcience; ſince a King of England ought never to interpoſe his private opinion againſt the other parts of the legiſlature, and what is declared by the proper judges to be the law of the land. The queſtion by Charles ought to have been conſidered in this light; Whether as Strafford's guilt was incurred with his approbation, under the aſſurance of his ſupport and protection, the laws of honour bound him to run the hazard of his perſonal ſafety, together with the peace of the kingdom, to make good that criminal promiſe. Laws of honour, ſuch as theſe, are artificial bonds, calculated for the preſervation of individuals, aſſociated in illegal combinations, and ſubſcribed to by men, who, having thrown off all civil ties, have no rule of ſafety but from mutual confidence, and the hardy reſolutions of their companions in villainy. If a ſteady adherence to ſuch principles may be eſteemed laudable among a licentious banditti, they cannot, I think, be ſuppoſed to bind a monarch in his royal capacity.

Ann. 1641. Charles's ſcruples, however, were invincible; and he was at length brought to paſs the act; though he thought in doing it he committed an unpardonable crime.

It is ſaid, that what determined him was a letter from Strafford, in which he intreated him to put an end to his unfortunate, however innocent, life; and quiet the tumultuous people by granting them that requeſt for which they were ſo importunate. "My conſent, ſaid the writer, will more acquit you to God than all the world can do; beſide, to a willing man, there is no injury *. And as, by God's grace, I forgive all the world with a calmneſs and meekneſs of infinite contentment to my diſlodging ſoul, ſo, Sir, to you I can reſign the life of this world with all imaginable chearfulneſs." It is ſaid that this letter was dictated by deſpair, and that Strafford had certain intelligence that he ſhould be deprived of his life in the Tower, if the King refuſed to paſs the bill. It is probable, that he wrote the letter with an intention to excite the King to make an effort to ſave him. It is certain, he ſhewed ſigns of diſappointment and ſurprize when he was informed by ſecretary Carleton, that the King had granted a commiſſion to four lords to paſs the bill of attainder. It was with ſome difficulty that he could believe the fatal tidings; but on being aſſured of their certainty, he roſe up from his chair with marks of aſtoniſhment and horror, lifted up his eyes to Heaven, laid his hand on his breaſt, and exclaimed,

* The King had ſent a letter to Strafford during his confinement, in which he aſſured him, upon the word of a King, that he ſhould not ſuffer in life, honour, or fortune. *Strafford's Letters*, vol. II. p. 416.

"Put not your truſt in princes, nor in the ſons of men, Ann. 1641.
for in them there is no ſalvation."

The King conſents to Strafford's attainder, and to the bill for continuing the parliament. May 10.

The commiſſioners appointed to paſs the bill of attainder were at the ſame time impowered to give the royal aſſent to the bill for the continuance of the parliament. Charles, tortured with the pangs of ſhame and remorſe for the yielding to Strafford's doom, paſſed this bill without attending to its importance. One fruitleſs effort was made by the King to ſave his unfortunate miniſter: He ſent a letter to the Lords, deſiring that he might fulfil the natural courſe of his life in a cloſe and perpetual impriſonment, but concludes, "If no leſs than his life can ſatisfy my people, I muſt ſay *fiat juſtitia*." To this was added a poſtſcript: "If he muſt die, it were charity to reprieve him till Saturday *." This letter of interceſſion, though delivered by the prince of Wales, did not alter the preſent determinations of the Lords: they deputed twelve of their houſe to ſatisfy the King; that even a delay of Strafford's execution would endanger his own and his family's ſafety. Charles yielded to the neceſſity of the juncture, and told the Lords, that he did not mean to ſave Strafford to his people's diſcontent. The twelfth of May was appointed for the execution, and Strafford, being ſenſible that all endeavours to poſtpone

* Burnet ſays, that he was told by Hollis himſelf, whoſe ſiſter Strafford had married, that he drew up a petition for Strafford, and a ſpeech for the King to make to both houſes in his favour; that the queen not only prevented the King's going to the parliament, and changed the ſpeech into a meſſage, but prevailed with him to add the poſtſcript, "If he muſt die, it were charity to reprieve him till Saturday." *Burnet's Hiſt. of His Own Times*, vol. I. p. 81.

Ann. 1641. it would be ineffectual, preſented a petition to the Peers, praying for their interceſſion with the King in behalf of his children; and prepared himſelf for death.

In theſe moments of terror, he wanted that conſolation which ſupports innocence when oppreſſed by the ſtroke of power; he wanted that fore-taſte of glory which accompanies great characters, when ſuffering in the cauſe of virtue; he wanted the compaſſion of mankind, which commonly attends the diſtreſſed. Deprived of theſe ſuccours, he found in ſuperſtition, that cordial to the weak and wicked, ample reſources on this tremendous occaſion. Strafford, in the courſe of his adminiſtration, had been a great promoter of what was called the cauſe of God; *viz.* the intereſt of the church: many of his oppreſſions in his Iriſh government were committed with a view to enrich churchmen, and exalt the power of the hierarchy. This was regarded by Laud as the moſt orthodox of Chriſtian virtues. Although Strafford had directed his conduct in this point to the ſole view of promoting his intereſt with this prelate, yet he flattered himſelf he had attained great merit in having been a promoter of the glory of the church; and, as his oppreſſions on this head were part of his accuſation, he eſteemed himſelf a kind of martyr to the cauſe of God. The day before his execution he had earneſtly ſolicited an interview with Laud; on being denied, he ſent him a meſſage, that he deſired his prayers that night, and his bleſſing on the morning.

Strafford's execution.

In paſſing from his apartment to Tower-Hill, he ſtopped under Laud's windows, and entreated the aſſiſtance

ance of his prayers in thoſe awful moments which were approaching. A very tender ſcene paſſed between theſe fellow-ſufferers, who had been aſſociates in power: the aged prelate, diſſolved in tears, pronounced, with a broken voice, a bleſſing on his departing friend and convert; then, over-preſſed with the tide of ſorrow, ſunk down in the arms of his attendants. Strafford, with a determined countenance, marched on to meet his fate: Archbiſhop Uſher, primate of Ireland, attended him on the ſcaffold. On ſeeing his brother Sir George Wentworth weeping, he told him not to lament, but rejoice in his innocence and approaching happineſs; that no thoughts of envy, no dreams of treaſon, jealouſies, or cares for the King or ſtate, or for himſelf, would interrupt that eaſy ſleep. He then kneeled down, and, in a ſolemn manner, made a proteſtation, that as far as he could underſtand he was not guilty of the crime laid to his charge, nor ever had intention to prejudice the King, the ſtate, the laws, or the religion of the kingdom *. He deſired leave to make a ſpeech to the people: In this ſpeech he aſſerted, that he was very far from being againſt parliaments, and did always think parliaments to be the happy conſtitution of the King and kingdom, and the beſt means under God to make the King and his people happy †. He profeſſed, that he was an

Ann. 1641.

* He thought it no prejudice to the ſtate or church to aſſiſt both in the attaining arbitrary power; but the queſtion was, whether it was prejudicial to the people?

† In this ſtrong aſſertion, Strafford certainly meant dependent parliaments, the greateſt curſe the nation can, in a political ſenſe, be afflicted with. He could never mean independent ones; that is contradicted in all his documents of government delivered in private.

obedient

Ann. 1641. obedient ſon of the church of England, and wiſhed proſperity and happineſs might ever attend her. He ſent a charge to his ſon to prove a faithful ſubject to the King, and to beware of meddling with church-livings, for that would prove a canker to him in his eſtate; and adviſed him to be a ſervant to his country, as a juſtice of peace in his county, not aiming at higher preferments. Having bid a laſt adieu to his brother, and the friends who attended him, and ſent a bleſſing to his abſent relations, he added, "I have now nigh done; one ſtroke will make my wife a widow, my dear children fatherleſs, deprive my poor ſervants of their indulgent maſter, and ſeparate me from my affectionate brother and all my friends: but let God be to you and them all in all." On preparing himſelf for the block, he ſaid, "I thank God I am no way afraid of death, nor am daunted with any terrors, but do as chearfully lay down my head at this time, as ever I did when going to repoſe *." The executioner performed his fatal office with one blow.

THUS, by the ſtroke of juſtice and the voice of his country, in the forty-ninth year of his age, died Thomas viſcount Wentworth and earl of Strafford. His fate has been lamented and loudly exclaimed againſt by many writers,

* There are two ſpeeches in Somers's Collection of Tracts, pretended to have been compoſed by Strafford; one ſpoken to ſome lords who attended him in the Tower immediately before his execution, the other intended to be ſpoken at his death. They are full of contrition for his paſt conduct, and the ſtyle ſo different from the account generally given of his behaviour, from his profeſſions, from his advice to his family, and from his character, and the ſtrong prejudices he had imbibed in the latter part of his life, that there is great reaſon to ſuſpect their authenticity.

writers, who allege that the ſentence by which he fell was not according to ſtatute-law, and therefore iniquitous. This is an aſſertion contrary to fact, ſince part of the crimes for which he was condemned was levying war within the ſtatute of 25 Ed. III. and ſelling ſoldiers within the Iriſh ſtatute of 18 Hen. VI. Yet, allowing this aſſertion to be true, in the beſt regulated governments, circumſtances may ariſe of ſo particular and urgent a nature, as to render it neceſſary for the legiſlative power to exceed the ſtrict letter of the law. England could not at this time be called a ſettled government, ſince the King, by his illegal adminiſtration, and violent attempts to ſubvert the conſtitution, had introduced a ſtate of confuſion, which rendered acts of power neceſſary expedients to reinſtate the people in their long-loſt privileges, and give to violated laws their due authority; not to mention that combination of circumſtances which rendered the death of Strafford abſolutely neceſſary to the ſafety of reviving Liberty. Never was criminal executed on principles of ſtricter equity, nor was ever the life of a bad citizen more juſtly due to an injured country. Ann. 1641.

STRAFFORD is one of the heroes of the monarchical party, and moſt hiſtorians agree he was a great man; but none of them have taken pains to delineate his character, or tell us what were the eminent qualities of his head or heart, which conſtituted that greatneſs. It has been alleged, that Strafford was a great ſtateſman, a character of the higheſt eſtimation in its juſt ſenſe: but in that exalted appellation, nothing more is meant by the vulgar, than being a proficient in the narrow circle of miniſterial His character.

Ann. 1641. miniſterial juggling, the abilities of a Scapin to cheat the credulous and unwary! A knowledge in the extenſive ſcience of politics, the different conſtitutions of different ſocieties, the juſt intereſts of nations, and the operative effect which political inſtitutions have on the public weal, when united to a head and a heart capable of employing it to the real ſervice of mankind, conſtitute the character of a great ſtateſman. In the latter ſenſe Strafford will be found totally deficient; in the other he muſt be allowed to excel. His talents were of that inferior kind, which are always found united to a baſe mind: the badneſs of his heart had ſo corrupted his judgment *, that at the time when he was engaged in the defence of the Liberty of his country, he does not ſeem to have been actuated by any juſt, honeſt, or liberal principle. He was too ignorant of the nature of the conſtitution, and the laws of England, to form a right judgment of the ſtate of the queſtion between the King and his people †; and entered into the quarrel with a factious view to oppoſe particular perſons to whom he had an inveterate enmity, and to make himſelf of conſequence enough to be noticed by the miniſtry. His patriotiſm diſſolved on the firſt beam of court favour; he was intoxicated on the firſt taſte of power, and became a more bold and zealous inſtrument of tyranny than any miniſter this country ever produced. He was of a revengeful, inſolent diſpoſition; but his ſupreme vice was an inſatiable ambition, directed

* Or rather, the badneſs of his judgment had corrupted his heart.

† He was ſo ignorant of the conſtitution of England, that if in his letters and diſpatches he ſpeaks his real ſentiments, he had no other idea of the duty of office, but that of perſonal ſervice to the King.

to falſe and unlawful objects. Among his weakneſſes Ann. 1641.
we may reckon his vanity. This was the ſource from whence flowed his crimes, and this the prime cauſe of his misfortunes. No inſtance can give us a juſter idea to what a height he poſſeſſed this contemptible folly, than his perſecution of many people for not complying with thoſe ſervile ceremonies which he imagined due to his authority. His revival of ſeveral foppiſh formalities of ſtate, during his command in Ireland, is another example of the ſame kind. In all his letters to the King, and his patron Laud, he aſſumed to himſelf great merit and importance; whilſt he degraded the ſervices of every other man, excepting thoſe of his own creatures. His behaviour was inſolent to his fellow-ſubjects, and abject to his prince. He was continually ſtimulating him to acts of tyranny, by repreſenting, in phraſes bombaſt, the ſublimity of his power, and that it was neceſſary to curb the inſolent oppoſition of his ſubjects, by ſevere and vigorous meaſures. Laud he conſtantly courted, becauſe he knew the abſolute power this prelate had obtained over the King. Such was the man whom the world has loaded with applauſe. His talents as an orator have been much admired: the concluſion of his defence is infinitely preferable to any other of his productions of this kind. In his general ſtyle of writing and ſpeaking there is an inſolence, a petulance, a vulgar quaintneſs, which mark the genius and diſpoſition of the man, and which ran through the whole tenor of his conduct. The criminality and arrogance of his behaviour rendered him ſo dangerous and obnoxious, that no leſs than three kingdoms engaged with warmth in his proſecution; and the ſentence of death paſſed upon him

Ann. 1641. gave univerſal ſatisfaction *. The indulgence, therefore, with which his memory has been treated can have no other riſe than from the prejudices of party and his fatal end: The axe and the halter are excellent ſpecifics to ſubdue anger and ſoften reſentment!

* Sir Philip Warwick, a cotemporary writer, tells us, that in the evening of the day in which he was executed, the greateſt demonſtrations of joy that could poſſibly be expreſſed ran through the whole town and country. Many came up to town on purpoſe to ſee the execution, and rode in triumph back, waving their hats through all the towns and villages through which they paſſed, crying, "His head is off! his head is off!" *Warwick's Memoirs*, ed. 1701, p. 163, *& ſeq.*

APPENDIX.

APPENDIX.

I HAVE ventured to give the following abſtract of all the arguments that were urged in the great trial of Ship-money: I am ſenſible that the pleadings of Mr. St. John, Mr. Holbourne, and the arguments of Sir George Crook, muſt be greatly injured by an abridgment; my deſign in this epitome is to excite the reader to peruſe this important trial at length.

Mr. St. John began his argument by allowing, that there was a ſupreme power inherent in the monarch, for the government and defence of the kingdom; he ſhewed the method and known rules which the law of England had ordained, for applying that power to the intended end. After going through all the forms of adminiſtration which the law preſcribes for the common government of the kingdom, he ſhewed that the aſſiſtance of parliament was neceſſary in all caſes that did not come within theſe forms: That the King could not, out of parliament, alter the old laws, nor make new; nor make any naturalizations nor legitimations, nor ſeveral other things: That in many caſes, without the aſſiſtance of parliament, he could not communicate either his juſtice or his power to his ſubjects: That if this writ, which gave power to ſell and alter the property of the defendants goods, hath iſſued from his majeſty otherwiſe than in parliament, where he ſtands in the height of ſovereignty and perfection, the queſtion was, Whether erroneouſly iſſued or not. In the ſtating of this great queſtion, Mr. St. John ſaid, he would endeavour to preſent to their lordſhips thoſe known and undoubted ways and means whereby the law had provided for the defence of the realm, both at land and ſea, without the way in the writ: that the firſt was by tenure of lands; the ſecond by the many prerogatives which the law had ſettled in the crown, and made peculiar for the defence of the kingdom in general; the third was the particular ſupplies of money for the defence of the ſea alone in times of danger ordinary and extraordinary. Mr. St. John then ſhewed the nature of military ſervice, as eſtabliſhed in this kingdom by William the Norman; that with this the law had appointed divers prerogatives for the extraordinary charge of government, and for defence of the realm; theſe were veſted in the King *jure coronæ*, to be employed for the public good. The reaſon why the King had treaſure trové, and gold and ſilver mines, in the caſe of mines, was

declared to be, becauſe the King is hereby to defend the kingdom. Mr. St. John then quoted law-caſes; the ſtatutes of the 14 Ed. III. the advice of the lords of the council in Richard II.'s time; the petition of the Commons in the ſame reign, to prove that the conſtitution had aſſigned all the profits of the crown, but the King's perſonal revenue, for the defence of the kingdom. The third way was particular ſupplies of money; for where the law put the King to any particular charge for the protection of the ſubject, it always enabled him thereto. The courts of juſtice were ſupported by fines, amerciaments, *&c. &c.* For the defence of the church, the King had temporalities of biſhoprics *ſede vacante*, firſt fruits and tenths, and the tithes of all land that lay not within any pariſh. Mr. St. John then entered into the hiſtory of tonnage and poundage, and ſhewed, by the wording of the grants in the parliament-rolls, that this tax was not only given for the protection of the merchants, and the ordinary defence of the ſea, but for its defence in times of extraordinary danger, and from invaſion: That it was declared in the ſtatute of 14 Ed. III. that aids, though granted in parliament for defence, ſhould not be brought into example, in that it might be conceived the Commons were to bear that charge, which principally belonged to the King: That his majeſty *de facto* took tonnage and poundage, though not granted by parliament; and in the eleventh year of his reign, when this writ firſt iſſued out, he took upwards of 300,000l. upon it: That his majeſty was pleaſed by his proclamation, printed 1626, to declare that theſe cuſtoms were always granted to his progenitors for the guarding of the ſeas, and ſafety and defence of the realm: That he did, and ſtill muſt purſue thoſe ends, and undergo that charge for which they were firſt granted to the crown; and that he received them for the guarding the ſeas and defence of the realm. Mr. St. John next alleged, that as the law had put the great truſt of the defence of the realm upon his majeſty, ſo when the ordinary ſupplies failed, it had provided other ways for a new ſupply: theſe were the extraordinary aids and ſubſidies granted in parliament. To prove this, Mr. St. John quoted the words of the ſummons, and ſeveral inſtances in each King's reign, on which this aſſembly was called together to conſider on means for the defence of the realm. He farther proved, that this was the only way for an extraordinary charge, by the means that paſt Kings were obliged to take, when they did not apply to this remedy; loans and benevolence demanded with promiſe of repayment, anticipating their rents. After enumerating theſe inſtances, he added, "That it could not be imagined that ſo many powerful princes would bind themſelves to repayment of what they might take as a right; and that without any ſalvo of their rights." Mr. St. John next objected to the uncertainty of the way intended by the writ; that the law delighting in certainties, to the end the ſubject might be ſure of ſomewhat that he might call his own, had made all thoſe things that the King challenged as peculiar to himſelf from the ſubject, either certain in themſelves, or reducible to a certainty, either

either by the judges, jury, or parliament. After proving this by the rule of law, he added, "My lords, to apply all to the thing in queſtion, there is a cauſe for raiſing money for the defence of the realm, *non definitur in lege*, what will ſerve the turn? If his majeſty, as in the writ, may without parliament lay twenty ſhillings upon the defendants goods, I ſhall humbly ſubmit it to your lordſhips, why, by the ſame reaſon of law, it might not have been twenty pounds, and ſo *ad infinitum*; whereby it would come to paſs, if the ſubject had any thing at all, he ſhould not be beholden to the law for it, but is left entirely to the mercy and goodneſs of the King." Mr. St. John ſaid, that theſe were his reaſons for objecting to the legality of the writ. He ſhould now come to the ſecond kind of proof; authorities that his majeſty could not tax his people for ſetting forth of land-forces for defence; for making and maintaining forts and caſtles for defence; for victuals for a defenſive army; for maintenance of priſoners taken in a defenſive war; for pledges and hoſtages given by foreign ſtates for the keeping of peace: "If, added he, his majeſty cannot tax his people for the five ſupports of a defenſive war, I ſhall then offer it to your lordſhips, whether it can be done at all." Mr. St John quoted precedents and ſtatutes to prove that the ſubject was not taxable either for wages, or victuals, or otherwiſe for finding of ſoldiers out of their counties, tho' for defence of the kingdom; and that by the ſtatute of Running-mead, his majeſty could not tax his own tenants, nor proportion the fine according to his pleaſure: if he could not do it when the tenant held lands *ad exercitum*, for the defence of the kingdom, much leſs could he do it where there was no tenure for that purpoſe. Mr. St. John then quoted acts of parliament *anno quarto* William the Norman, ſtatute of Running-mead 17 John, the ſtatutes of 25 Ed. I. and the ſtatute *de Tallagio non concedendo*, the ſtatute of the 14 Ed. III. the ſtatutes of the 25 Ed. III. againſt loans and benevolences; the 1 Richard III. and the 31 Hen. VIII. for proclamations, in which it was enacted, That the King's proclamations ſhould be made equivalent to an act of parliament, but with a full exception of the ſubjects lands, goods, and chattels. Mr. St. John fortified theſe authorities by many precedents; among theſe was the reſolution of the Lords ſpiritual and temporal in the 2 Ric. II. who, when the King was beſet with enemies, France, Spain, and Scotland, agreed that the Commons could not be charged but in parliament; and therefore, as the neceſſity was urgent, they lent money for the preſent, with advice to call a parliament: this was afterwards declared in parliament, and entered upon the roll without any qualification. Mr. St. John alſo urged the commiſſion iſſued 3 Car. to raiſe money by impoſition or otherwiſe, which, without extreme danger to the King, kingdom, and people, can admit no long delay, wherein form and circumſtances are to be diſpenſed with rather than the ſubſtance loſt. "This, my lords, obſerved Mr. St. John, was a commiſſion to tax the ſubjects in time of neceſſity for defence. In the laſt parliament, this commiſſion, as againſt

the law, was condemned by both houſes, and cancelled in his majeſty's preſence." Mr. St. John aſſerted that tonnage and poundage, when firſt granted for life, was, that the King might always have money ready upon ſuch ſudden occaſions. The laſt precedent he quoted to ſtrengthen his arguments, was the commiſſion of loans in 2 Car. queſtioned afterwards in the parliament 3 Car. and upon debate adjudged by both houſes to be void in law by the Petition of Right; preſented ſo to the King, his majeſty did not deny it. Mr. St. John opened his laſt day's argument with the proof that the ſea had no ſuch peculiarity in it, but that it would fall within that of the defence in general: he took his authority as high as Dane-Gelt, a tax granted in parliament on the frequent invaſion of the Danes in the time of Ethelred, afterwards releaſed by Edward the Confeſſor. He urged the frequent complaints which the Commons, in the earlieſt times of the Norman monarchy, had made on the infringement of their liberties, in this particular of attempting to tax them for defence of the ſea; commiſſions repealed by the authority of parliament which had been iſſued by the monarch, to charge the people to make ſhips for the defence of the realm; and the acknowledgments of former Kings, that they could not, without the parliament, charge the people with ſafe keeping of the ſea; the reſolution of the ſages of the kingdom in Ric. II.'s time, who lent money to provide an army for the ſea till a ſupply could be raiſed in parliament. Mr. St. John finiſhed his learned argument with obſerving, that the Cinque-Ports had divers privileges; ſuch as being free from all aids and ſubſidies granted in parliament, from all tolls, murage and pontage, throughout the realm, for a certain ſervice of fifteen days in a year, and the number of ſhips certain; that when their charge in the number of men and ſhips exceeded two, allowance by the King was to be made them, as appeared by the quire of Dover, and Par. roll of 7 Hen. VII. Par. roll of the 19 Hen. III. *&c.* "My lords, concluded he, if theſe ports who are bound to the defence of the ſea, when they have performed that their ſervice, be not compellable to any farther charge, I ſhall humbly offer it to your lordſhips, whether thoſe that be not bound at all, from the ſame reaſon, are chargeable at all" Mr. St. John in the courſe of his argument ſaid, that before the parliament of Lincoln, 29 Ed. I. all things concerning the King's prerogatives, and the ſubjects liberties, were altogether upon uncertainties. The ſtatute of Running-mead, Magna-Charta, Charta de Foreſta, had been confirmed at leaſt eight times from 17 John unto the 29 Ed. I; and yet not only the practice, but likewiſe the judges went clear contrary to the plain, both words and meaning of them. By the ſecond chapter of Magna-Charta, a baron *pro baronia integra*, was to pay but one hundred marks for his relief; the practice and proceſs of the Exchequer till 29 Ed. I. were always for this relief, one hundred pounds, *&c.* That the matter of fact in theſe years, to the violation of the ſubjects right, procured the ſtatutes that were afterwards enacted, as the ſtatute *de Tallagio non concedendo*, and others.

Sir

Sir Edward Littleton, ſolicitor-general, pleaded as follows: "I ſhall ſhew the King's right from the foundation of the kingdom to that which they call the Norman conqueſt; from the Norman conqueſt to the time of Magna-Charta 9 Hen. III. from Magna-Charta to the ſtatute *de Tallagio non concedendo* 25 Ed. I. from the ſtatute *de Tallagio non concedendo* to the firſt granting of tonnage and poundage; from tonnage and poundage to this very day; and that the Petition of Right does no way concern the diſpute. I ſhall confute all precedents, objections, reaſons, inconveniencies, authorities, or records, of which a great number were cited, that there ſhall not be a ſyllable left: and in that, firſt, I will either ſhew, that the record is miſtaken or impertinent, and not to the queſtion; or, ſecondly, thoſe that are pertinent, I will either agree them, or take the force of them away, that none of them ſhall be able to ſtand in the way of the King in this way of defence." After this flouriſh, Mr. Solicitor began quoting the rule of *ſalus populi ſuprema lex*, and grounded his argument on the doctrine of neceſſity: "Poſitive laws, ſaid he, are abrogated by reaſon, when the ſafety of the kingdom and people are in danger." He quoted the proceedings in 1588, when the whole kingdom was in conſternation, that directions were given to keep the enemy from landing; if they could not keep them from landing, to burn down houſes, *&c.* If an enemy approach, a man may make bulwarks and forts on another's ſoil, 21 Hen. VII. *&c.* If a ſubject can be enabled without parliament to do this, ſhall not the King, who is *pater patriæ*, do the like for the defence of the whole? A man may pull down the houſe of another when the next houſe is on fire. If two men are fighting a man may part them, and put them into ſeveral houſes, becauſe it is for the good of the commonwealth. If a madman be abroad, he may be taken, whipped, and impriſoned, leſt he do violence to himſelf and others. A ſurgeon may cut off one member to ſave the reſt. If a ſtorm ariſe at ſea, to caſt out goods into the ſea is lawful for the ſafety of the other goods, *&c.* What talk we of formalities when we are like to loſe the kingdom, when the keeping of the laws would end the commonwealth? Mr. Solicitor quoted examples to ſhew that every man was bound to defend the kingdom when attacked; and was not the King as much lord of the ſea as the land? It was a Droit Royal to meddle with war and peace: ſubjects have nothing to do with it; true, Henry VII. brought military diſcipline into the parliament to advance his own ends. Sometimes dangers are fit to be communicated to the people, ſometimes not; they had authorities, which he conceived were full examples in point: theſe, tho' not ruled in particular courts of juſtice, were ſtronger than any judgments. If men would pay, what need judgments? Tho' he found not direct authority in printed books, yet records were as good teſtimonies and greater than reports: Thoſe that concern *jus publicum* come not into ordinary debate, but remain *inter arcana imperii*, and thoſe would ſpeak fully. If precedents were not ſo full in the years of king Stephen and Henry IV. who were uſurpers, it is no wonder: If they

had

had had right to the crown, as his majeſty hath, they would not have uſed compliments. Before the Conqueſt, he found that king Edgar had his tenants, who ſwore to co-operate with him *per terram & per mare.* He denied that Danes-Gelt had ever been releaſed: and affirmed, that after Magna-Charta, and the ſtatute of *Tallagio non concedendo*, Kings had layed impoſitions on their ſubjects. In 1588 the city of London was deſired to find ten ſhips; of themſelves they deſired to find twenty: theſe was the affection of thoſe times; they did not diſpute, but were ready to obey. In 1599 great troops were aſſembled at London for defence of the Queen, when the tumult was about the earl of Eſſex. In King James's time theſe were not much: His motto was, *Beati pacifici.* 10 July 2 Car. a proclamation iſſued that all people ſhould make ſpeedy repair to ſeveral places, and ſhould continue during the danger; and for a binding authority, 12 Car. the reſolution of all the judges under their hands, and inrolled in every court at Weſtminſter: a man ſhould have thought that that ſhould have given ſatisfaction; it would have done ſo in former times. Mr. St. John objects, That in his majeſty there is *voluntas interna* and *externa*, his inward will which he doth declare in his chamber, and his legal will; and withal, that the King cannot judge himſelf, 2 Rich. II. fol. 10, 11. Can that be wanting in the fountain that iſſues in the ſtream? that I utterly deny. Is it not ſaid *coram rege* in the King's-Bench, and in the Star-Chamber *coram conſiliis noſtris?* This is a new doctrine: Shall not the King judge? Did not King Ed. IV. ſit in perſon in the King's-Bench in the trial of a rape? and that famous juſtice Popham ſat at the King's feet, and other judges at the King's ſide, and therefore called *juſticiarii a latere regis.* Sure he forgot King James, who adjudged two caſes in the Star-Chamber, that of Bellingham's and Sir Thomas Lake's. Now he ſays the parliament is the higheſt court, and the King is there at higheſt both for magnificence and power; but yet out of the parliament the King is King of England. It doth not follow becauſe he may do it in parliament, that therefore he can do it no where elſe. Oh, but the King hath proviſion for war: this is but a cunning inſinuation to make a ſurvey of the King's revenue, and to inſinuate with the people; and he begins with knight's ſervice, and theſe in dangerous places, as Dover, Durham, Cheſter; then he ſaith that eſcuage is to be aſſeſſed in parliament, tho' for defence of the kingdom. If that were the proper queſtion, I could ſhew when eſcuage was not by parliament, for it was by another reaſon. It was altered by an act of parliament 17 Johannis, ſtatute de Running-mead, *nullum ſcutagium*, for it was not ſo before; alſo it concerneth the ſubject as well as the King. No man ſhall be judge in his own caſe, but therefore not the King; that held no proportion: and Kings are ſaid to do no wrong. Then he alleged, that the King is in actual poſſeſſion of the wards, that they ſhould go towards the maintenance of the war: he cannot ſhew any authority worth the valuing; neither Bracton nor Britton hath any ſuch thing. It was ſaid of the Cinque Ports, that they have many privileges

vileges allowed them for the defence of the ſea. Is the Cinque-Port-ſervice a competent proviſion to defend a kingdom againſt hoſtilities? I know no reaſon but the whole body ſhould defend themſelves. Then they object that tenures in ancient demeſne were taillable without conſent; and their ſervice for the King's proviſion in the houſe, no reaſon that ſhould exclude them from the general ſervice. Then he did object there was another way of ſupply of extraordinary means, as mines in other mens land; and here he remembered M. 3 Ric. II. prerogative comm.; difference taken between annual and caſual revenues for defence; then he objected Rot. Parl. 6 Ric. II. 11, 42. that the King would live of his own revenues; and that the mines, *&c.* ſhould be for defence of the kingdom. Onſlow, who argued the caſe, ſaid, that the King was the moſt excellent perſon both at ſea and land; therefore the royal fiſh at ſea, and the gold and ſilver mines at land, were given to him, becauſe he was able to give a ſtamp on money. The King muſt live forſooth of his ordinary revenue, M. 3 Rich. II. which expreſſeth that the King at that time would do ſo: that the King, by advice, for ſalvation of the kingdom, would uſe theſe things given unto him; that indeed was a reaſonable thing for that time, but muſt it be now turned for a neceſſity? Mr. Solicitor next affirmed, that tonnage and poundage was never given nor taken of itſelf ſimply, on extraordinary defence; that in all ages before the granting of tonnage and poundage, the Kings, upon a general defence, had had other aids than this, by their own power. Ordinary charge for an ordinary defence; all men muſt bear proportionably their ſhare in the charge of defence. Oh, ſay they, but this may be done in parliament: by a *may be* a man may anſwer any argument, but a *may be* will never anſwer a bill. Mr. Solicitor then quoted what he called precedents to the caſe in queſtion, and affirmed, that this right was never meant to be excepted in Magna-Charta, or any of the other ſtatutes againſt impoſitions; and that the ſtatute *de Tallagio non concedendo* was no act of parliament: That Richard II.'s parliament, taking notice of his tender age, took much power upon themſelves. At the end, the Petition of Right, neither Lords nor Commons, jointly nor ſeverally, could make a new law without the King's conſent; and that the judges, and none but them, were the interpreters of the law, wiſe king James did declare. He owned that the ſtatute 31 Hen. VIII. forbid to take away inheritance or land; but here was no lands or goods taken away. Mr. Hampden had none of his goods touched. A commiſſion of loans 3 Car. for the defence of the kingdom: they mean the commiſſion which was a conſideration to levy moneys by reaſon of the neceſſities of the times, it appeareth in the journal book to be for impoſitions, or otherwiſe to raiſe money not concerning this queſtion: it appears by that, that the King gave a gracious anſwer unto it, and that it was done for the preſent time; a warrant for advice only. It was done to raiſe money in general, but no determination of right; and ſaid at your deſires

it ſhall be cancelled: then there was a commiſſion for loans 5 Feb. 2 Car. and this they ſay, it was for defence of the kingdom. It appears it was for the defence of the Palatinate and Denmark, and for that, a biſhop was ſentenced for his miſtaking. Mr. Pym brought up the articles againſt him.

Mr. Holbourn argued next: The firſt queſtion was, he ſaid, Whether upon the whole record, the caſe did appear for the King. That the 4th Auguſt 11 Car. being the day of the date of the writ, the King could charge the county of Bucks to find a ſhip at their coſts and charges: If he could, Whether he could give power to the ſheriff to aſſeſs the county? As in this caſe, admit he had power to charge and aſſeſs, Whether he could levy the money unpaid, by this courſe of certiorari and mittimus; as he might do if it was his own proper debt? The firſt, though argued fully, yet he doubted whether it ſtood rightly ſtated: Yet admitted by them, as there was a neceſſity to ſtate it on the King's part, as Mr. Solicitor had ſtated it, or wave the diſpute. Mr. Holbourn then proceeded to conſider the firſt queſtion, and ſhewed that there was no ſuch inſtant neceſſity, but that a parliament might have been time enough called, to have conſidered of the means of defence. That in the writ dated the 4th of Auguſt there appeared no danger of the kingdom being then loſt; nothing but for protecting merchants and for common defence; and in the mittimus were no expreſs words of danger to the kingdom inſtant and unavoidable. Mr. Holbourn objected to the word *ſalus* in the mittimus; it was but a metaphor in writs; and in pleadings metaphors were dangerous; they did not know how to take iſſue upon them. He doubted whether if the King put particular reaſons into the writ, the law did permit any after-writ to put in farther clauſes of the ſame nature to the ſame end: That tho' it did now appear by the mittimus, that the 4th of Auguſt the kingdom was in danger of being loſt, yet this was not ſufficient in law; nor could their demurrer hurt them, becauſe it muſt have ſo appeared in the writ 4 Aug. itſelf: for the writ and declaration in law muſt ever contain preciſely ſo much of matter as is neceſſarily true to warrant the demand. If a danger declared made the caſe, how ſhould the ſubject know by the writ 4 Aug. whether to obey or not? The law bound not a man to divine; and if the ſubſequent declaration mended the caſe, then the ſubject would be a wrong doer *ex parte facti*. The negative part of my argument, ſaid he, is, that the King cannot, out of parliament, charge the ſubject; not only for guard of the ſea againſt pirates, but alſo not for the ordinary defence of the kingdom, tho' the King judge the kingdom to be unavoidably in danger to be loſt. My poſitive part is, that the King is regularly to be at the charge for guarding the ſea againſt pirates, and for the defence of land and ſea againſt enemies, ſo far forth as he is able; and that he has proviſion for both, eſpecially for the ſea-ſervice. Admit it be agreed, that by the policy of the kingdom the King cannot charge the ſubject, yet the King may without advice in parliament, in caſes extra-

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the ſubject, even in ſmall things, when the *quantum* reſts in his judgment: It is true, the law doth allow the King to command payment of money in ſome caſes, yet where the *quantum* on occaſion is ſubject to a trial, to ſay that the King cannot err in his natural capacity is ſtrange; human nature is not capable of ſuch a prerogative. Princes are ſubject to natural infirmities of the body, and muſt die; even ſo of the underſtanding and will. How many acts of parliament have we in print, declaring the King's miſtakes in the acts themſelves, and providing remedy for the future, yea in their own times? As the law ſaith the King may miſtake in his natural capacity, ſo it hath taken care that in his politic capacity he ſhall not; and hath provided means to prevent it, a writ of *ad quod damnum*. Here Mr. Holbourn quoted law-caſes and ſtatutes to ſhew how the King was reſtrained from taxing; and deſired the judges to conſider, how unwilling the common law was to leave him at liberty to charge his ſubjects; and how he was reſtrained by acts of parliament, when the common law before did give liberty. Theſe acts of parliament he mentioned; and anſwered the objections that Mr. Solicitor had raiſed to the authenticity and meaning of theſe ſtatutes. Mr. Holbourn then brought many authorities to prove, that it was the practice of former Kings in all ages to reſort, on extraordinary occaſions, to parliament; and when they could not effect their end by that means, they made many borrowings, as appeared by the parliament rolls. What other courſes, ſays he, they have taken, appears by the former arguments; and when the King received ſuch ſupplies, it came voluntarily, and with many proteſtations, that thoſe things ſhould not be drawn into example. The people ever denied the practice of raiſing arbitrary impoſitions on them, under pretence of defence of the kingdom. Mr. Holbourn next enforced Mr. St. John's arguments concerning the proviſion the law had given the King for the defence of the kingdom; and farther inſiſted, that the King could lay no charge, not even in little things, on the public; he quoted a book-caſe of the 13 Ed. IV. concerning a new office of meaſurage, *pro bono publico*, and an action brought, complained of in parliament to be againſt the ſtatutes, to provide that no taxes ſhould be laid. The anſwer was, Let the ſtatute be obſerved. Lord Latimer's caſe, condemned to die for laying on impoſitions on merchandize by the King's order. Mr. Holbourn obſerved on the proteſtation of the Commons, with the grant of tonnage and poundage to Hen. IV. To what end, ſaid he, would they have proteſted, that it was granted of loan, and not of right, if the King might charge them another way? In that caſe, it muſt be all one to them which way they bore it, whether by tonnage and poundage, or otherwiſe. The preamble to the grant of tonnage and poundage, 1 Jac. was mentioned by Mr. Holbourn, the condemnation of the commiſſion of loans and benevolence, and the commiſſion of advice in the preſent reign, the Petition of Right, and, laſtly, the judgment of both houſes on Manwaring's ſermon. To the caſes where property yieldeth to neceſſity,

ſity, that Mr. Solicitor had quoted, ſuch as a houſe on fire, a ſhip in a ſtorm, when the danger is in *proxima potentia*, anſwered Mr. Holbourn, We may prevent it. When another man's houſe be on fire, mine may be pulled down to ſtop it; ſo that we may ſee by what grounds we go in the caſe of abſolute neceſſity: If there be a ſtorm, or leak in a ſhip, that the danger be actual, it is juſtifiable for the maſter to throw out the goods; but if he ſees a cloud ariſe, and, out of fear of a ſtorm, he throw out the goods, I doubt on a jury which way this would go. My lords, concluded Mr. Holbourn, there are in the caſe two points more which I ſhall move: Whether or no, admit the King could command the ſubjects to find ſhips, he can give power to the ſheriffs to make the aſſeſſment, as in the writ. The ground is upon this, that in all caſes of politic charges, the law takes an eſpecial care to make an equality. In parliaments of old, they were always careful to make proviſion that way, as upon fifteenths and ſubſidies; and in Dane-Gelt, they went ſuch a way, as there could be no inequality; they went by taxing of hides. Now if the law doth make this a legal way of charging, it allows the like way for aſſeſſment that is allowed in other caſes; ſuch a way as wherein there can be no inconvenience. If a hundred be charged, they have ways to lay it on themſelves proportionably. The next thing is this; admit a levy may be well made, whether the money thus paid may be brought into the Exchequer by a *ſcire facias:* I do think this is the firſt writ that ever was of this kind. I do not find it regular. My lords, I think it is hard to find where there is a writ that commands and preſcribes the manner of levy: it not only gives you power to levy, but ſets the way of levying by impoſition, by diſtreſs, by ſelling; for my part I know no caſe can match it.

Sir John Banks, the attorney-general, offered his argument, with an aſſertion, that this power of charging the ſubjects was *inter jura ſumma majeſtatis*, innate in the perſon of an abſolute king, and in the perſons of the Kings of England; that it was ſo inherent in the King's perſon, that it was not any ways derived from the people, nor was it confined to the political advice that the King muſt be *in cathedra*, ſitting in parliament. That the King of England had an entire empire; was an abſolute monarch: Nothing could be given to an abſolute prince that was not inherent in his perſon, as appeared by books, records, and acts of parliament. That the King held his empire immediately of the God of Heaven, and, at his coronation, his crown was elevated as a ſignification thereof *. There is an objection made, ſaid he, that if charging the people ſhould reſt in the power of the King, he might do it when there was no ground for it, and without cauſe; this is clearly againſt preſumption of law; for where the law truſteth, we ought not to diſtruſt. The King, as appeareth by all our books, is the fountain of juſtice and piety, and will do juſtice to all his ſubjects; all juſtice is de-

* The reader who is deſirous of ſeeing this attorney-general's doctrine more at large, may conſult a late publication entitled, Droit le Roi; a copy of which was burnt by the hands of the hangman, Ann. 1764.

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rived from the King; the King, being God's lieutenant, cannot do wrong. The King could not be made an inſtrument of covin and fraud, but the patent was void. At the common law, a man committed by the King is not repleviable; if committed by his council, that is, his repreſentative body, he is not repleviable. If the King commit a man *per bouche*, he is not repleviable: For a farther reaſon, thoſe that are his delegates, or judges, are not to be miſtruſted. That which a judge doth, as in his office, ſhall not be aſſigned for error: If it be ſo in the delegate power, much more in the primitive and fountain, *&c.* The King, as he is King of England alone, for the common defence of the realm, may *ſtatuere*, &c. He may do it by the advice of his council when he pleaſes. He may ordain ſeveral ways, by the inſtitution of the common law, by his ordinance, by his proclamations, by his patents, by his writs, and, in legal matters, by his judges. That this may be done by him, it is agreeable to reaſon; for Kings were before parliaments; and then ſurely they might have done it. As juſtice doth flow from the crown originally, as it was in Moſes, ſo it is in the King of England, only in the King's perſon. But afterwards, the King did depute his deputies, and gave other powers. There was a time, when there were no municipal laws, when poſitive laws were not eſtabliſhed, when Kings did rule their people according to natural equity; ſince there have been poſitive laws, and municipal laws, the Kings of England they have ordained, as by thoſe ſeveral records cited, appears. The King and his lords may make an ordinance that ſhall be as binding as a ſtatute. There is no clauſe, nor any particular in the writ 4 Aug. 11 Car. but is warranted upon many precedents, and in this thing the King doth but *jubere per legem*. For the direction it is, as in this writ, ſometimes upon one, as *probis hominibus* of ſuch a county; ſometimes the direction is to commiſſioners, ſometimes one way, ſometimes another; and of this, of the precedents themſelves, when your lordſhips come to ſee them, I ſhall ſpeak. They would have the King deſcend ſo low as to give them a reaſon why he doth it; ſome reaſons are expreſſed in the writ, as *quia periculum imminens, quia pro defenſione regni, tuitione maris, ſecuritate ſubditorum, ſalva conductione navium*, &c. My lords, all theſe are expreſſed in the records 9 Ed. III. M. 12. ſect 10. Ed. III. M. 20. R. Alm. 12. Ed. III. M. 1. R. Alm. 13 Ed. III. M. 13. I find in theſe writs the ſame matter, power of aſſeſſments, ſometimes levies by diſtreſs, and impriſonment; nay, ſeizure of lands and tenements, goods, and chattels, and that it was at the charges of the counties, both inland and maritime; this appeareth R. ſect. 8 Ed. II. M. 9. *de navigio provident.* Pat. 9 Ed. II. M. 26. Pars 2. *De navigio providendo pro cuſtodia maris.* They ſay this power of aſſeſſing the people for ſums uncertain ought to be no more than eſcuage uncertain, and muſt be aſſeſſed in parliament, a ſervice that is to be done by the tenant to his lord. What if this be ſo that it muſt be aſſeſſed in parliament? your lordſhips know, that the tenants muſt do according to the original duties of them; and if this be, that the lord ſhall not aſſeſs them but in parliament, is that an argument from

from a tenant to a lord in this caſe? This is ſervice commanded not by tenure, but a King from his ſubjects: This is ſuitable to the reaſon of law in other caſes; for thoſe ancient aids which the law doth require for the making his eldeſt ſon a knight, or *pour fille marrier*; are not thoſe certain at the common law? Muſt there be an act of parliament to aſſeſs thoſe aids? the books are otherwiſe. But they ſay the ſheriff is no proper officer, nor ſworn to execute this writ; this is as wide as the other: For, my lords, the ſheriffs are ſworn to execute all writs that ſhall be delivered to them for the King's ſervice. For the manner of levying *per diſtrictiones*, and by impriſonment of thoſe that do refuſe; is this new? It hath been ſo in all the precedents that have been vouched, both by diſtreſs and impriſonment. They except to the penalty of the writ. The penalty of former writs have gone higher, *&c.* Mr. Attorney, in his laſt day's argument, undertook to anſwer the ſeveral acts of parliament, records, and reaſons, that had been urged on the other ſide; and to anſwer the exceptions that had been taken to the form of proceedings. The firſt act that was inſiſted on was that of William I. This, he ſaid, did no way trench upon the royal power: It was inherent in the Kings of England before the Conqueſt, and here was only a conceſſion that they ſhould be free, *ab omni injuſta exactione.* The next thing inſiſted on was the charter 17 Johan. This was an enforced act from a diſtreſſed King: Shall this bind the crown? For the ſtatute of Magna Charta it was made 3 Hen III. The general words of this act did no way impeach the royal power; for the royal power was *lex terræ:* for the ſtatute *de Tallagio non concedendo*, it took away no aids that were due by the law of the realm: Yet the words were general, without an exemption, as of aid for to knight the King's ſon, or to marry his daughter; yet the law was obſerved; theſe aids were not taken away; and ſo it was declared in the 25 Ed. I. cap. 11. which reduced theſe aids to a certainty. The next ſtatute objected was Ed. III. cap. 5. the words are theſe: "That no man ſhall be charged to arm himſelf otherwiſe than in the time of the King's progenitors, but where neceſſity requires, and the ſudden coming of ſtrange enemies within the realm." So this ſtatute is relative to what had been formerly done. What hath been formerly done, appeareth by the records in the times of John and Ed. I.; that the ſubjects were to ſet forth ſhipping at their own charge, and then this ſtatute alloweth in two caſes, one where neceſſity requireth, the other upon coming of ſtrange enemies; and this writ requireth no other than where there is a neceſſity in the King's judgment. The next ſtatute is 1 Ed. III. cap. 7. where men at arms were conveyed into Scotland and Gaſcoigne without wages; the King ſaith it ſhall be done ſo no more. The ſtatute mentioneth Scotland and Gaſcoigne, foreign wars. The next ſtatute was, the 18 Ed. III. cap. 7. men of arms, hobellers, and archers, ſhall be at the King's ſervice; the ſtatute ſpeaketh likewiſe of going out of England: But he that is upon the defence of the ſea, it is no going out of England. The next ſtatute was 25 Ed. III. cap. 8. no man ſhall be compelled to find men of

of arms, hobellers, and archers, otherwiſe than thoſe that hold of ſuch ſervice, without conſent: This ſtatute of 25 Ed. III. doth not take away former laws; theſe three ſtatutes of 1 Ed. III. 18 Ed. III. and 25 Ed. III. are recited in the ſtatute 4 Hen. IV. and 'tis enacted, they ſhall be firmly holden, and kept in all points; ſo, if theſe ſtatutes muſt be kept firmly in all points, then the ſtatute 25 Ed. III. doth not repeal any of theſe. They have objected, continued Mr. Attorney, the counſel of the ſages of the realm in the time of Ric. II.—This is no act of parliament, but a communication between the Lords and Commons in the nonage of a young prince, who did not aſſent. The next record objected was, 9 Ric. II. a tenth and a half, and a fifteenth, granted to the King, on condition that the great officers of the kingdom ſhould be named in parliament, and ſervants appointed for diſpenſe of the monies. If the King doth accept of ſubſidies and aids upon condition, does this take away his royal power? There is no more done in this than was in the parliament 21 Jac. for there the officers and treaſurer were appointed by the houſes of parliament. Farther it appeareth this was granted *pro viaggio Johannis Regis de Caſtile*, and not for the cuſtody of the ſea. The next record inſiſted on was, a tenth and a half, and a fifteenth and a half, granted with a proteſtation that it ſhould not be brought into example; this is nothing, no more than the other; a proteſtation can no way prejudice the crown in this. The King's ſpeech 7 Ed. IV. is objected. My lords, this is nothing but a gracious ſpeech of the King's to his ſubjects, that he would charge them but in ſuch caſes as ſhould concern the defence of the realm. The ſtatute next objected was, 1 Ric. III. This is no benevolence, but a legal due. Next they object to the ſtatutes of tonnage and poundage granted to the crown for defence of the realm. In anſwer to this I ſay, that there is no act for tonnage and poundage that is now in force; neither are any duties taken to the crown upon act of parliament; thoſe acts for tonnage and poundage that have been granted make for the crown. If your lordſhips look in the ſtatute 1 Eliz. and 1 Jac. it was given towards the King's charges, not intended of extraordinary defence. In the next place, they inſiſted on the Petition of Right, 3 Car. It was never intended that any power of the King, by his prerogative, ſhould be taken away or leſſened by it. I dare be bold to affirm, for I was of that parliament, and was preſent at the debate, that there was never a word ſpoken in the debate of taking away any power of the King for the ſhipping buſineſs; beſides, it is declared, aſſented to, and denied by none, that there was no intention by the Petition of Right to take away the prerogative of the King: The King thereby did grant no new thing, but did only confirm the ancient and old liberties of the ſubject. For an anſwer to ſcandalous objections, it hath been ſaid, by Mr. Holbourn, of theſe ſtatutes of the 25 Ed. I. and 28 Ed. I. that at the time of making theſe laws they were poſitive; no ſuch ſalvo was in them of the King's prerogative; that the acts before Hen. IV. were penned by the

the King's council, and thoſe clauſes of a ſalvo crept in by the King's council: Theſe were bold and preſumptuous aſſertions of the acts of parliament made in the time of Ed. I. that there ſhould be any clauſes added by the King's council that ſhould not be added in the record. Mr. Attorney, having proceeded to make frivolous objections to all that had been quoted in favour of the ſubject, concluded with this piece of ſophiſtry: "Your lordſhips have obſerved, ſaid he, that in all my diſcourſe I have not inſiſted any way upon any power of impoſition, neither is it the queſtion in this buſineſs; for no man's property is invaded; no ſeizure of any man's goods, unleſs they incur it by contempt, and by a wilful contempt the ſubject may loſe his property. For the ſentence of Dr. Manwaring, it is nothing to this purpoſe: this writ denieth not the property to be in the ſubject, but ſaith the ſubject hath the property, and therefore commandeth the ſheriff to diſtrain him if he will not pay. They have objected Dr. Cowell's book, which was called in: I wiſh they had read the proclamation; there are three cauſes expreſſed: Firſt, becauſe he had writ things derogatory to the crown: Secondly, for———and thirdly, ſpeaking irreverently of the common law: Juſt like to the men who do not ſpare to wade into all the deep myſteries of princes, who are gods upon earth. For their objection that the King hath a revenue belonging to the crown, for the defraying of all ordinary and extraordinary charges, and for the guards of the ſea, as tenures, *&c.* my lords, it is not for us that are lawyers to look into the ſecrets of the King's revenue: The ſtory of Acteon might deter men from looking into the ſecrets of princes. They ſay there was no ſufficient danger expreſſed in the writ 4 Aug. 11 Car. they ſay a ſupply by the mittimus comes too late, and that the words of the mittimus are not a good affirmative. For this, I have given it an anſwer, that it was not neceſſary to repreſent the danger in the writ: but, my lords, for the ſatisfaction of his people, the King expreſſed ſufficient cauſe in the writ, *quia ſalus regni periclitabatur*. They ſay, that there was no danger repreſented at this time when the writ was out. That is miſtaken, for the writ of mittimus doth recite the writ 4 Aug. and that ſaith, *quod quidam prædones, piratæ*, &c. which ſhews that danger was the cauſe of the iſſuing theſe writs. They except at this word *ſalus*; it is a phyſical word, and ſignifieth health, and you muſt have no metaphors in writs. Surely the grammarians tell us, that *ſalus* is taken *pro incolumitate*, as well for ſafety as for health. Metaphors are uſual in writs. I dare be bold to ſpeak, there are more metaphors in the regiſter than in any book. Then they have left no ſtone unrolled in this caſe; now they ſay the King's teſtimony in his writ is inſufficient: Under favour, the *teſte meipſo* is without exception; we are bound to give credit to it. The next exception was taken to the *ſcire facias*, that this *ſcire facias* ought not to go forth for the debt; and two reaſons were given for it; firſt, the writ 4 Aug. doth direct a form of levying, which is by diſtreſs, or impriſoning thoſe that are rebels; ſecondly, it is no debt to the King, and therefore ought

not

not to be levied by the *ſcire facias*. My lords, for this, this duty is due to the commonwealth; it is *pro defenſione regni, theſaurus publicus reſpicit regem*; whoſoever ſhall detain any public duty, he may be queſtioned by the King as the head of the body politic; this *ſcire facias* is grounded upon the whole matter, the writ 4 Aug. the *certiorari*, and mittimus, and commandeth that the defendants ſhall ſhew cauſe why they ſhould not pay the money aſſeſſed upon them by the county."

After the pleadings of the lawyers, the judges proceeded to give their opinions, which each introduced by a ſpeech, in which they argued the caſe. Mr. Baron Weſton began: He obſerved that Mr. Holbourn's exception to the words in the mittimus, that it did not make good the defect of the writ, was frivolous, for the demurring to all had confeſſed all; whereas it had been objected, that if this power of raiſing money were admitted, it would keep back parliaments. If this power be in the King, and it be juſt and equal, then it is not to be taken from him, becauſe he may miſemploy his power; if he miſuſe his power, the fault is his; this objection cannot be made unleſs you ſuppoſe injuſtice in the King: Make what laws you will, if the King be unruly he will break them. For my part, I am ſatisfied there is an apparent danger, and that there is a neceſſity this danger ſhould be prevented.

Mr. Juſtice Crawley charged the plaintiffs with talking impertinently of tonnage and poundage, when there was no ſuch grant on record; of ſhip money having been charged for three years together, of great ſums of money impoſed upon merchandize: then you talk, continued he, of the ſubjects loſing their property; but this rather to abuſe the people without either colour or ſhadow. If you at the bar had not ſpoke it *argumenti gratia*, it could not but have proceeded out of the depth of malice, or ignorance, or both. If one be found guilty of murder, and the judge knoweth the contrary, what ſhall be done? He ought to acquaint the King therewith, for it is the King's right of ſovereignty to pardon, but the judge hath no ſuch power. I ſay the whole caſe appertaineth to the King only, and he is the ſole judge both of the defence of ſea and land. Among the royal prerogatives, Mr. Juſtice Crawley reckoned the power to impoſe taxes without conſent of parliament; and ſaid, that the King as *pater patriæ* was, by the law of nature, entruſted with the defence of the kingdom; and this power to tax his people was but a conſequence of that: Albeit ſubſidies be a gift and grant, yet this is in right and reaſon; if the ſon give to the father when he wants, it is his duty. You have alleged precedents both before the Conqueſt and ſince: That of the Dane-Gelt, tho' it was a heavy yoke, yet it was neceſſary to be borne; whether it was granted by parliament or no, *non conſtat*; I ſay it is a good precedent, and I hold it good without parliament. Some diſtreſſed Kings, as king John, Hen. II. and Ric. II. they did indeed do that by borrowing which they might have took of right. Now to give an anſwer to the ſtatutes of 25 Ed. I. and 14 Ed. III. and the Petition of Right 3 Car. admit, I ſay, there were an expreſs act that the King, where the

realm in never ſo much danger, ſhould not have aid from his ſubjects but in parliament, it is a void act. Will any man ſay ſuch an act will bind; this power is as unſeparable from the crown, as the pronouncing of war and peace is: In ſome caſes it is neceſſary to leave the words of the law, and to follow that which reaſon and juſtice requireth, and to that intent equity is ordained. This impoſition without parliament appertains to the King originally, and to the ſucceſſor *ipſo facto*, if he be a ſovereign in right of his ſovereignty from the crown. You cannot have a king without theſe royal rights, no not by act of parliament. Again, theſe acts bind not, for that a favourable conſtruction, in caſe of the King, is to be had in all caſes. You ſay this tax hath continued for three years; put the caſe the danger continueth for three years, and then the King ceaſeth to lay a charge, and the danger begins again the next year; what, ſhall not the King require aid as the danger increaſeth? And now to conclude without repetition, it doth appear by this record, that the whole kingdom is in danger both by ſea and land, of ruin and deſtruction, diſhonour and oppreſſion; and that danger is preſent, imminent, and inſtant; and greater than the King can, without the aids of ſubjects, well reſiſt: Whether muſt the King reſort to parliament? no, we ſee the danger is inſtant, and admits of no delay. Shall we go home and ſit together in careleſs ſecurity? not ſo. But let us reſort to our pious and juſt King, whoſe prerogative and right of ſovereignty is to defend the realm, and to maintain his ſubjects' liberties; and ſo I give judgment for the King.

Mr. Juſtice Berkley's exordium was, that the people of the kingdom were ſubjects not ſlaves, freemen not villains, to be taxed *de alto & baſſo*: Though the King of England had a monarchical power, and had *jura ſummæ majeſtatis*, and had an abſolute truſt ſettled in his crown and perſon, for the government of his ſubjects; yet his government was to be *ſecundum leges regni*. The ſubject had in their goods a property, a peculiar intereſt, a *meum & tuum*. They had a birthright in the laws of the kingdom; no new laws could be put upon them; none of their laws could be altered or abrogated without their conſent in parliament. Thus much I ſpeak, ſaid Mr. Juſtice, to avoid miſapprehenſions and miſreports upon that which I ſhall ſay in this caſe; not as if there were cauſe of ſaying ſo much upon any thing challenged on the King's ſide. We have in print his majeſty's moſt gracious declaration, that it is his maxim, that the peoples' liberties ſtrengthen the King's prerogative; and that the King's prerogative is to defend the peoples' liberties. It is plain that as originally, even before the Romans' time, the frame of this kingdom was a monarchical ſtate, ſo for divers hundred of years paſt, upon the Romans' deſertion of it, and after the Heptarchy ended, it was, and continued, and ſtill continueth, monarchical: And our gracious ſovereign is a monarch, and the rights of free monarchy appertain unto him; and yet ſtill with this, that he muſt *leges*, &c. Where Mr. Holbourn ſuppoſed a fundamental policy in the creation of the

frame of this kingdom, that in caſe the monarch of England ſhould be inclined to exact from his ſubjects at his pleaſure, he ſhould be reſtrained, for that he could have nothing from them, but upon a common conſent in parliament; he is utterly miſtaken therein; the law knows no ſuch king-yoking policy. I never heard nor read that *lex* was *rex*; but it is common and moſt true, that *rex* is *lex:* for he is *lex loquens*, a living, a ſpeaking, an acting law. There are two maxims of the law of England, which plainly diſprove Mr. Holbourn's ſuppoſed policy; the firſt is, that the King is intruſted with the ſtate of the commonwealth; the ſecond is, that the King cannot do wrong: Upon theſe two maxims, the *jura ſummæ majeſtatis* are grounded, with which none but the King himſelf, not his high court of parliament, without leave, hath to meddle, as namely, war and peace, value of coin, parliament at pleaſure, power to diſpenſe with penal laws, and divers others; amongſt which I range this alſo of regal power, to command proviſion in caſe of neceſſity; otherwiſe I do not underſtand how the King's majeſty may be ſaid to have the majeſtical right and power of a free monarch. It is the King's right to have ſupply: Supply is not merely a benevolence from the people. The ſame law that wills the King to defend his people, wills alſo, that the people grant to him of their goods in aid of their defence. Give me leave to ſay, that the parliament is but a *concilium*, the King may call it, prorogue and diſſolve it at his pleaſure; and whatſoever the King doth therein, is always to be taken for juſt and neceſſary. In granting the Petition of Right, his majeſty, who knows his own heart and ſincere meaning beſt, in his ſecond ſpeeches to both houſes, ſaith, that it muſt needs be conceived that he had granted no new, but only confirmed ancient privileges. Had there been any expreſs clauſe in thoſe ſtatutes which I have before cited, that no charge ſhould be impoſed without common conſent, no not for neceſſary defence of the kingdom, I certainly believe, that neither king Ed. I. nor king Ed. III. nor our ſovereign, would ever have yielded to ſo diſhonourable and unjuſt an expreſſion. Neceſſity and the *ſalus reipublicæ* are, by a reaſonable intendment, clear out of the ſtatute *de Tallagio non concedendo*, and the Petition of Right, as if the ſame had been preciſely excepted; a literal expoſition will make laws for the good of the commonwealth prove the bane and ruin of it. It hath been ſaid, that in the preſent caſe, the King hath not proceeded *per juſticiarios*, but *per ſe*, or in *camera*. I anſwer, that in our caſe, there is not any thing done in *camera*; the ſhipping-writ iſſueth out of the court of Chancery: Beſides, we are not now in the caſe of aſſeſſing a fine; if we go to diſtinction, there is *potentia abſoluta*, and *poteſtas ordinaria:* I hope none will deny but that the King hath *poteſtatem abſolutam* in many caſes. A man may be committed *per ſpeciale præceptum domini regis*, and is not in that caſe bailable. The King is *capitalis juſticiarius Angliæ*; I put you the caſe of Hill, 2 Ed. III. p. 6. One having money of the King's wherewith to pay ſoldiers, miſuſed it, and committed many outrages in Lancaſhire; a writ iſſued to the ſheriff

ſheriff of Lancaſter to attach him. Being by virtue thereof attached, and brought to the King's-Bench, he was there diſcharged; the reaſon given by Scroop the chief-juſtice was, becauſe the attachment being grounded upon a ſuggeſtion, was againſt the law; no ſuch writ ought to have iſſued, unleſs there had been ſome indictment, preſentment, or information depending. But I doubt not, if the King had by his abſolute power made a ſpecial precept in his chamber for commitment of this man, he could not have been diſcharged. It has been objected, that ſhipmoney is to become an annual charge upon the people; there is cauſe of thinking ſo, becauſe, ſince 11 Car. we have had every year new ſhipping-writs. If the neceſſity continues, the charge muſt continue: The ſame reaſon ſerves for the continuance, as was for the beginning of it. Yet I deny that of itſelf it may be annual; this muſt be left to his majeſty's juſtice, which God forbid that any ſhould think he will abuſe. Caſes of neceſſity, caſes of *bonum publicum*, and caſes of *ſalus reipublicæ*, are not compriſed within ordinary rules.

Mr. Juſtice Vernon. The King, for the ſafety and defence of the kingdom, may charge his ſubjects, notwithſtanding any act of parliament; moreover, a ſtatute derogatory from the prerogative doth not bind the King; the King may diſpenſe with any law in caſes of neceſſity.

Mr. Baron Trevor ran up the antiquity of the monarchy five hundred years before the birth of Chriſt, and confirmed it by a letter from the pope to king Lucius; and added, Our King hath as much power and prerogative belonging to him, as any prince in Chriſtendom hath. 'Tis proper for Kings to command, and ſubjects to obey. We that are the judges of the kingdom have paid this tax, therefore it is fit our opinions concur with our actions in this caſe.

Sir George Crook, juſtice of the King's-Bench, argued next. He diſſented from the reſt of his brethren, and ſaid, he held the writ not good at common law; admit it was good at common law, yet it was againſt divers ſtatutes; that no pretence of danger could warrant it. That there was no prerogative in the crown or power royal for it. That it was the firſt writ deviſed of the kind, and the firſt put in practice either in inland counties or maritime parts; and that there was not any one precedent, nor any one record judicial, or judgment in point of law for it; that the commands of it were againſt the common and ſtatute-law; that the aſſeſſments of the writ were not warrantable by the law: If no good writ, the *ſcire facias* would not lie, and the *certiorari* did not well iſſue as the caſe was. That the King could not impoſe any kind of tax upon his ſubjects. Theſe Mr. Juſtice Crook proved by rules of law, reſolutions of parliament, ſtatutes, and the cuſtom of the kingdom ſince the confirmation of thoſe ſtatutes. By the old law of Alfred, he ſaid, parliaments were to be held once a-year, and by expreſs ſtatute made 4 Ed. III. 14. a parliament was to be held every year, if need require it; and by another ſtatute for avoiding of grievances,

a parliament was to be held every year. The imagination of man cannot invent a danger, but courſe may be taken for defence, till a parliament be had. So for my part, added Sir George Crook, I hold this point of neceſſity cannot be held a ſufficient ground for this writ: The King can do no wrong, 2 Ed. III. A patent is made, which is a wrong to the ſubject, the King *de jure regis* ought to revoke that patent; a King to have a royal power or prerogative to do that by his writs that is againſt the expreſs laws of his kingdom, is not admitted by the law; the royal power is to be taken away, for as it is before ſaid by Forteſcue, he can change no law, nor charge his people but by common conſent in parliament. Precedents make no right; but if that is admitted, there is not one precedent of writs going all over England before now. Clauſes have been in former writs, in caſes of array, to diſtrain if they refuſe to pay; but never in caſe of levying money to impriſon. It is clearly againſt Magna-Charta to be impriſoned, unleſs indicted by due proceſs of law. It is not according to law, to command a ſhip of war, of 450 tons, and then to turn it into money. For if a ſhip were made by a county, the county ſhould have it again; but in this caſe, the *ſcire facias* is brought to have the money: For the *certiorari*, it is directed to the ſheriff out of office, and ought not ſo to be; all writs are directed to the preſent ſheriff; admit the *ſcire facias* ſhould go forth, it would do ſomething, *onerari*, &c. To whom or how? nothing here; but *ſcire facias quare onerari non debet*; but to whom *onerari* it doth not appear. If the ſheriff levy the money, and do not beſtow it on a ſhip, he is accountable. It doth not appear that this ſhip was built, there is no preparation for a ſhip, the ſum aſſeſſed is not legal, the writ is not legal, becauſe it varieth from all former precedents. It varieth in the time, in the manner, for ſoldiers wages to inland counties, which was never before.

A more laboured argument of this judge's on this caſe was afterwards preſented to the King: He confutes all the fallacies and falſe aſſertions of the crown lawyers. It hath been objected, ſaid he, that by the demurrer, the danger of the kingdom is confeſſed, and ſo it is to be allowed for a caſe of neceſſity. To this I anſwer, that the demurrer confeſſeth not matters, but where the matter is legally ſet down; but if it be not a legal proceeding, then the demurrer is no confeſſing the matter of fact. Where, by breach of ſea-walls, any inundation is in the country, the King ſendeth out commiſſions to cauſe all that have lands or commons, to be contributory to the making up of the ſea-walls; this is done by enquiry of a jury; and this charge cannot be laid on a county or town in general, but upon particular men that have loſs or benefit, or may have loſs or benefit thereby; ſo it is at this day upon commiſſions of ſewers, as appeareth by Coke. It hath been ſaid, that tonnage and poundage is not now granted to the King, and therefore the King is enforced to theſe extraordinary courſes; tho' it be not granted, yet I think it is taken, and I doubt not but to the ſame intent for which

it was firſt granted, the defence of the kingdom, and guard of the ſeas. It is objected that perhaps the parliament would not have conſented, and ſo the kingdom might have been loſt. It is not to be preſumed, that the parliament would deny to do that which is fit for the ſafety and defence of the kingdom, their own eſtates and lives being in danger: But I confeſs, I think if it had been moved in parliament, they would never have conſented to theſe writs, ſuch never having been awarded before ſince the Conqueſt; and if they had conſented, they would have taken a courſe how the ſame ſhould have been made with the moſt conveniency, and not to have left it to the ſheriff to tax them how he would. To the objection that a ſtatute to inhibit ſuch a defence were void, I anſwer, that if a ſtatute were that the King ſhould not defend the kingdom, it were void: But a ſtatute that men ſhould not be charged without common conſent of parliament, is a good law, and agreeable to reaſon. I conceive, if the common law were doubtful whether ſuch a charge might be impoſed by writ, yet now it is made clear by divers expreſs ſtatutes. Mr. Solicitor laboured much to prove, that there was no ſuch ſtatute *de Tallagio non concedendo*. To this I anſwer, It was never doubted to be a ſtatute until this argument; and that it is a ſtatute appeareth, firſt, for that it is printed in the book of ſtatutes for a ſtatute: Secondly, it is recited in the Petition of Right to be a ſtatute. To that it is not found in the rolls, I anſwer, that many ſtatutes that are known ſtatutes are not found in the rolls, as Magna Charta is not. And that it is a ſtatute all my brothers have agreed; the only doubt then is, Whether this ſtatute extendeth to aid for defence of the kingdom? I think it doth; for it is the preciſe words of it, That no taillage or aid ſhall be impoſed but by grants in parliament. By this law, ſaith Bodinus, the ſubjects of England have defended themſelves ever ſince, as with a buckler: whereby it appeareth, that this was held to be a ſtatute in force in foreign parts. Sir George Crook anſwered every frivolous objection that had been made to the other ſtatutes, and to their efficacy, and concluded with the Petition of Right, which he aſſerted was done by the advice of the judges, and was full in this point, "That the ſubject ſhould not be charged without their conſent." He concluded with obſerving, that the queſtion was not what had been done *de facto*, but what might be done *de jure*. Multitudes of precedents, unleſs confirmed by judicial proceedings in courts of record, were not to be regarded, and none of theſe were ever confirmed by judicial record, but complained of. To give a more clear anſwer to them, he had read all the records which had been ſent him on the King's part, and having taken notes of every one of them, and diligently conſidered them, he conceived there was not any precedent or record of any ſuch writ ſent to any ſheriff of any inland county, to command the making of ſhips at the charge of the county. That this is the firſt precedent ſince the Conqueſt, produced of this kind.

Mr.

Mr. Juſtice Jones argued in the following ſtyle: When danger is imminent, the charge muſt be borne by all; it muſt not be every kind of fear or rumour that muſt draw a burthen on the ſubject, but ſuch a danger as the King, in his underſtanding, perceiveth doth require a ſpeedy defence. This power of the King of which I argue, is a ſpecial prerogative in point of government.

Mr. Juſtice Hutton argued, that the power of aſſeſſing money could not by law be impoſed upon the people, without mutual conſent in parliament: He anſwered the reaſons, precedents, and objections, of thoſe that argued on the other ſide; obſerved that parliaments ought to be frequent; and concluded with animadverting on the illegal powers which the writ had given to the ſheriff.

Sir John Denham being confined with illneſs, ſent a certificate that he gave his opinion for Mr. Hampden.

Lord-chief-baron Davenport argued, that aids granted by parliament were not merely voluntary, but duties: The imperial power of commanding aids, in caſe of neceſſity, belonged to the crown. The King in expectancy of danger may charge his ſubjects. If an act of parliament ſhould reſtrain ſuch a charge, in caſe of neceſſity, it would be *felo de ſe*, and ſo void; for it would deſtroy the *jus regale*. He diſſented from the majority of his brethren in the point of giving the power of taxation to the ſheriff, and proved that the ancient and uſual manner of taxes and aſſeſſes, by the cuſtom of England, was not at the voluntary pleaſure of the great officer of the county; but a jury was choſen to aſſeſs the county, and power was given to two others out of every town to aſſeſs the aſſeſſor: He objected next to the manner of proceeding againſt Mr. Hampden; that the *certiorari* ſhould not have iſſued ſo long after the firſt writ; it ſhould have been returned whilſt it was in force, and referred by another court, and the party preſented by a jury upon default, and the King have remedy upon preſentation and indictment; that judgment could not be given for the King upon the *ſcire facias*; for in the writ it was expreſly provided, that the money ſhould be employed to no other uſe but the preparation of the ſhip therein mentioned. It did not now appear who were collectors therein appointed to receive the money, whereby it became chargeable to the King; it did not appear upon the record, that any ſhip was provided, or that any fault was in them that were employed, or of ſurpluſage in the collectors hands; it was not ſo legally executed, as the King might have a writ of *ſcire facias*. The *ſcire facias* was, that Mr. Hampden ſhould ſhew cauſe why he ſhould not ſatisfy the ſum impoſed upon him; but whom he ſhould ſatisfy, or to whom the money ſhould be paid, *non conſtat*, as was well opened upon the demurrer: For it is not, *ſi dominus Rex valet aut debeat onerare* the defendant, but that the defendant *oneretur*, *& inde ſatisfac:* Nothing is put into the record to bring money to the King; therefore *quod oneretur* could not be executed at all. Laſtly, that the mittimus

mittimus was only the tenor of the record, and not the record itſelf; in ſuch a caſe a *ſcire facias* could not iſſue, for it was but the extract of the record: The mandates in the writ 4 Aug. were not good in law, nor well grounded upon the certificate; the information afterwards in the mittimus could not make a formal writ good, which was firſt defective, and the return of the ſheriffs was not effectual: For theſe reaſons judgment was to be given for Mr. Hampden.

Sir John Finch began with large profeſſions of a perfect integrity, which he introduced with the following cant: " I hope none of us forget the duty we owe to God and the King and commonwealth, and to ourſelves: I ſhall endeavour to ſatisfy my conſcience in all that I ſhall ſay, and they forget their duty to the firſt, and humanity towards us, that ſay or think the contrary of any one of us. It cannot be preſumed but that we ſhould ſpeak our conſciences, ſince we well know ſhortly, as the Pſalmiſt ſays, " Corruption ſhall ſay, I am thy father, and the worm, I am thy mother." On entering into the cauſe, he blamed Mr. Hampden for bringing the caſe to judgment, and complained that *arcana imperii*, nay *imperium ipſum*, had been too licentiouſly treated at the bar; he argued, that the King had a property in every ſubject's goods, for the common good in times of neceſſity; none could ſhare with the King in his abſolute power; the King was not bound to call parliaments, nor to continue them, but at his pleaſure; the parliament was an honourable court, he confeſſed it; an excellent means of charging the ſubjects, and defending the kingdom, he owned it; but it was not the only means: The beſt way to redeem thoſe loſt privileges was to give all opportune appearance of obedience and dutifulneſs to his majeſty's commands. There was a King before a parliament; for how elſe could there be an aſſembly of King, Lords, and Commons? And then what ſovereignty was there in the kingdom but his? The law that gave the King the ſovereignty of defending, gave him alſo power to charge his ſubjects for the neceſſary defence of the kingdom; private property muſt give way to the public; this King will charge his ſubjects, but only upon urgent neceſſity; an act of parliament cannot bar a King of his regality, nor bind him not to command his ſubjects goods or money. Sir John Finch farther aſſerted, that Dane-Gelt, or ſomething in lieu of it, remained ſtill, for it was not taken away by any act of parliament; and that the precedents which had been cited on the King's ſide proved that the power was in him to charge his ſubjects; and that the precedents of 2 Ric. II. was no good precedent, ſeeing the King was young, and the parliament had the regency. That what the King had taken he had ſpent upon the public occaſions, he had it from his own royal mouth; but let kings be as David was, men after God's own heart, they would not want a Shimei to rail at them. But no abuſe of any thing muſt take away the true and lawful uſe thereof; but it could not be ſuſpected there would be an abuſe; *Ubi confidit Deus & lex, & nos etiam confidimus.*

confidimus. It had been objected, that the writ was illegal, becauſe contrary to Magna-Charta, *Nullus liber homo impriſonetur*. There was no impriſonment in queſtion, but the aſſeſſment only, why he ſhould not pay the money aſſeſſed, or ſhew cauſe to the contrary. Sir John Finch farther aſſerted, that the manner of aſſeſſment by the ſheriff was legal and proper; and that the writ of *ſcire facias* was good, and all the proceedings in the caſe were well grounded, and according to law.

Sir John Brampſton, lord-chief-juſtice of the King's-Bench, argued with the majority of his brethren. There is a neceſſity to prevent a neceſſity; the aid commanded in this caſe is not againſt the great laws concerning the ſubjects liberty, becauſe it is no taillage but a ſervice. He inclined to the opinion of the lord-chief baron in his exception to the record *quod oneretur*, and not know to whom it ſhould be. His opinion in all other points agreed with the general vote of the court. *State Trials*, vol. I. p. 493, *& ſeq.*

END of the SECOND VOLUME.

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BRVTVS

THE HISTORY OF ENGLAND
FROM THE ACCESSION OF IAMES I
TO THE ELEVATION OF
THE HOUSE OF HANOVER.
BY CATHARINE MACAULAY
VOL. III

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THE

HISTORY

OF

ENGLAND.

CHARLES I.

CHAP. I.

Court of Star-chamber, and other arbitrary courts, aboliſhed.——Bill to deprive biſhops of their ſeats in parliament ſent up to the Lords.——Biſhops and judges impeached.——The Star-chamber verdict againſt the city of London reverſed.——Conceſſions to the Scots.——Embaſſy and manifeſto in favour of the Palatinate family.——Proceedings againſt the pope's nuncio, and other Papiſts.——Farther proceedings againſt delinquents on the army plot.——Acts paſſed.——King's journey to Scotland.

THE death of Strafford was one of thoſe exemplary acts of juſtice which has done the moſt honour to the independent ſpirit, which at this time eminently graced the counſels of the Engliſh ſenate. As it has afforded matter of exultation to the lovers of Liberty, ſo it has been lamented by the friends of deſpotiſm, as the important incident which drew Ann. 1641.

Ann. 1641. after it the deprivation of the King's power and life. The whole party of royaliſts have been very free in their cenſures on Charles in this point, and have condemned the ſacrifice he made to the demands of juſtice, and the united deſires of the people, as a condeſcenſion extorted from his fears rather than his neceſſities. The opinion that the overthrow of monarchy was the immediate conſequence of this circumſtance, or that the King could have maintained an inflexibility in regard to the fate of Strafford, are grounded on the authority of Clarendon, without other foundation than the chimeras of this flimſy politician; who, notwithſtanding that he relates the ſteady adherence of the Scotch army to the Engliſh parliament, and the incorruptible virtue of the Engliſh troops, who had been in vain ſolicited to aſſiſt the King in his endeavours to preſerve his authority; who, notwithſtanding he relates that the prudent foreſight of the Commons had cut off all the means whereby Charles could have procured money, thoſe nerves of power, without which it is impoſſible to exiſt; yet inſinuates, that, to have defeated the popular party, nothing more would have been neceſſary on the King's part, but a ſtubborn inflexibility to the importunate entreaties of his people, and the playing over the old game of diſſolving the parliament. Whoever accurately conſiders the ſituation of Charles at this period muſt acknowledge, that the only means whereby he could prolong to himſelf the ſhadow of power, or the preſervation of life, was to yield to the torrent of the times, and give way to the inſtant demands of his people, who continued in a manner

a manner unanimous till the fate of Strafford was determined *. Ann. 1641.

THE parliament having executed juſtice on the great enemy to the public weal, and perpetuated their authority by the continuance-bill, proceeded with vigor to lop off the noxious branches of the regal authority. Two bills, no leſs important than aboliſhing the High-commiſſion court †, the court of Star-chamber ‡, the council in the Marches of Wales, the council of York §, Ruſhworth, vol. IV. p. 304. Journals of Commons, vol. II. p. 171.

* The King muſt have ſunk under the torrent of popular rage, had he refuſed the giving ſatisfaction to his ſubjects on this point. The ſacrifice of Strafford preſerved to him, for ſome time, his life and crown; and procured him afterwards a party ſtrong enough to wage war againſt his people.

† The bill which aboliſhed the High-commiſſion took away all coercive power from every eccleſiaſtical perſon and court.

‡ The lord Andover was the member who made the motion for aboliſhing this court; and aſſerted, that it had ever been a great eclipſe to the whole nobility; for none had been ſo frequently vexed there as noblemen. The ſtatute which eſtabliſhed this arbitrary court prohibited it to proceed againſt any delinquent otherwiſe than if he were convicted of the ſame crime by due proceſs of law. *Statutes at Large. Ruſhworth*, vol. IV. p. 204.

§ The conference between the two houſes concerning the aboliſhing the court at York was managed by Mr. Hyde: In the whole fifty-eight inſtructions by which this court was to act, there was ſcarce one of them, he ſaid, that was not againſt or beſide the law. He inſinuated, that the King could not canton out a part of his kingdom to be tried by commiſſion, though according to the rules of law: that theſe inſtructions allowed the commiſſioners to proceed according to their diſcretion—that is, that they ſhould do what they pleaſed; only, that it might not be ſuſpected that this diſcretion would be kinder than the law, ſpecial proviſion was made, that no fine, no puniſhment,

Ann. 1641. and other arbitrary courts *, regulating the jurisdiction of the council, and abridging its power, passed the house of Commons unanimously; and, after having met with a little interruption, was assented to by the Lords. These bills were presented to the King at the same time with a poll-bill †: he passed the latter, without taking notice of the former; but the Commons adjourning themselves with some warmth, and shewing other high symptoms of displeasure ‡, on their re-meeting to debate the point, they received a message from the King, that he was ready to comply with their demands.

Nalson, vol. II. p. 327. Court of Star-chamber, and other arbitrary courts, abolished.

should be less than was by law appointed, but as much greater as discretion should think fit: that this improvement had been found very pregnant in arbitrary courts; for if the law required good behaviour, this discretion close imprisoned; if the law sat a criminal in the pillory, this discretion appointed him to leave his ears there. *Parliamentary History*, vol. IX. p. 226, *& seq.*

* The court of the Duchy of Lancaster, and the court of Exchequer of the County Palatine of Chester. *Statutes at Large*, ed. 1706, vol. II. p. 1108.

† The Lords thought themselves unequally taxed in this bill, and claimed a right to tax themselves. To this pretension the Commons did not yield. Sir Simon Dewes shewed, by the example of all times, that the Commons had exercised the privilege of assessing on every occasion where money was raised by the power of parliament.

The Commons were so jealous of a privilege with which they had effected such great things, that having sent up to the Lords a bill of tonnage and poundage, they desired it might be re-delivered, to be brought up and presented by their own speaker. *Parl. Hist.* vol. IX. p. 445.

‡ They voted, that all the bills should be passed together, or not at all. *Letter from General Ludlow to Dr. Hollingworth*, ed. 1692.

THE

THE interruption which the popular bills had met with from the Lords, was by the Commons very justly ascribed to the influence the bench of bishops gave the King in the upper house. That this impediment might no longer retard the reformation, a bill was sent up for depriving the bishops of their votes in parliament, on the rational pretence, that intermeddling with secular affairs was a great hindrance to their spiritual function. This was seconded with warmth by the popular peers, and opposed with equal vehemence by the bishops. Williams made a long speech on the occasion: he pleaded that part of the coronation-oath which is relative to the church; and said, "That the King's conscience was so upright, dainty, and scrupulous, that it ought not to be put upon swallowing such gudgeons as to fill itself with doubts and difficulties *." The other arguments he made use of were, the priestly government of Judea; the great power of churchmen in all Christian commonwealths from the age of Constantine, particularly in France and the Saxon heptarchy; and absurdly applied the pious admonitions of St. Paul to the Corinthians on their litigious spirit, as an example to shew, that it was lawful for churchmen to intermeddle in secular affairs: he endeavoured to prove, that legislative power was the birthright of the clergy; that bishops held their seats by virtue of their ecclesiastical capacity, not by the baronies annexed to their fees; and that they had hi-

Ann. 1641.

Bill to deprive bishops of their seats in parliament sent up to the Lords.

Parl. Hist. vol. IX. p. 294, & seq.

* It would have been a happy thing for Charles and his family, if his "upright, dainty, and scrupulous conscience," had restrained him from infringing that part of his coronation-oath which was relative to the liberties and privileges of the laity.

therto

Ann. 1641. therto made the third eſtate in parliament *. In the courſe of his ſpeech he remarked a contradiction in the motive for diſpoſſeſſing biſhops of their ſeats in parliament, and a ſalvo in the bill for biſhops poſſeſſed of temporal peerages; ſince, as he juſtly obſerved, noblemen who had entered into holy orders could be no leſs tied by the peculiar duties of their calling than commoners.

Williams was anſwered in a very judicious manner by the lord Say, who argued, from the authority of ſcripture, that Chriſt had forbidden the apoſtles, and conſequently their ſucceſſors (a title the biſhops aſſumed) to exerciſe juriſdiction over their brethren. He proved, from the examples of all times, that the ambition of the clergy had introduced diſcord and confuſion in every ſociety, and that their pride had occaſioned them to be the common incendiaries of the Chriſtian world †. "While they kept themſelves to

* This matter was highly diſputed between the popular party in the kingdom and the royaliſts. The popular party called the King one of the three eſtates; but Charles aſſumed the ſovereignty over the eſtates, and aſſerted, that the eſtates were, the Lords ſpiritual, the Lords temporal, and the Commons. This was a very abſurd pretenſion; ſince no power can be ſuperior to the legiſlative; and if the King is not part of the legiſlative, he can be only the executive, which is a power ſubordinate to the legiſlative.

The lawyer Bagſhaw argued, that biſhops ſat in parliament in virtue of their temporal baronies; and that their total abſence from parliament could no more obſtruct the proceedings of parliament, than the abſence of any other number of Lords.

† One of the arguments urged by the Commons for diſpoſſeſſing biſhops of their votes in parliament, was, that that privilege, by ſetting too great a diſtance between them and the reſt of their brethren in the miniſtry, introduced diſquiet in the church, by occaſioning pride in them, and diſcontent in their inferiors. *Ruſhworth*, vol. IV. p. 281, *& ſeq.*

prayer, and the miniſtry of the word, according to Ann. 1641.
the examples of the apoſtles, the world received benefit from them; but when they intermeddled in ſecular affairs and ſtate buſineſs, when they came to be advanced above their brethren, their domineering ſpirit had been the cauſe of a great effuſion of Chriſtian blood. Every thing was eſteemed as it was eminent in its own proper excellency; their proper excellency was ſpiritual; the denial of the world, pomp, preferments, and employments; this they ought to teach, and this they ought to practiſe; but when they ſought to rule and domineer, contrary to the precepts and example of Chriſt, inſtead of honour and eſteem, they had brought upon themſelves contempt and odium. The vain things they ſo eagerly ſought after, had indeed gained them cap and courteſy, but had caſt them out of the conſciences of all men. Did the apoſtles, men of extraordinary gifts, think it unreaſonable for them to be hindered from giving themſelves continually to preaching the word and prayer, by taking care for the tables of the poor widows? and could the biſhops now think it reaſonable or lawful for them to contend for turning ſtateſmen inſtead of churchmen?" Lord Say having thus endeavoured to ſhew that the pretenſions of the clergy were hurtful to their ſpiritual calling, he proceeded to anſwer the political objections which had been made to the bill. "Antiquity, he ſaid, was no good plea, for that which, by

experience,

Ann. 1641. experience, was found to be hurtful; the longer it had done hurt, the more cauſe there was to remove it. For being eſtabliſhed by law, the law-makers had the ſame power and the ſame charge to alter old laws that were inconvenient, as to make new that were neceſſary. For privilege of the houſe, it could be no breach of privilege; for either eſtate might propoſe, by way of bill, what they conceived to be for the public good. For the objection, that if the Commons removed biſhops, they might another time remove barons and earls, the reaſon was not the ſame; for the one ſitting by an honour which was hereditary, could not be ſo eaſily taken away as the other, ſitting by a barony depending upon an office. For the objection, that the bill altered the foundation of the houſe, and innovations which ſhook foundations were dangerous: if there was an error in the foundation, when it was found it ought to be mended, and not ſuffered to run on, to the prejudice of the ſtructure; beſides, the ſeat of biſhops was not fundamental to the houſe; it had ſtood without them, and done every thing which pertained to the power thereof, they being wholly excluded." In the courſe of this ſpeech, lord Say ſhewed, that the biſhops had ſuch an abſolute dependence on the crown, that their privilege of voting in parliament was very prejudicial to the welfare of the kingdom *. The King's influence, and the biſhops' votes,

Clarendon, vol. I. p. 186, & ſeq.

* Some time after this, Laud publiſhed a petulant anſwer to lord Say. He aſſerted, that the fathers of the church would never have undertaken the burthen of ſecular affairs, if it had been inconſiſtent with their function; and quoted the honeſt induſtry of St. Paul, who, to ſupport himſelf in a virtuous independency, laboured at the trade of tent-making, as an authority that biſhops might intermeddle in ſtate concerns. If the counſel of ſome biſhops had been taken, he ſaid, neither the King nor the church would have been in ſo bad a condition as they now were. Biſhops could preach the Goſpel more publicly, and to far greater edification in a court of judicature, or at a council, where great men were met together to draw things to an iſſue, than many preachers in their ſeveral charges could; beſides, there was not that neceſſity of preaching now as formerly, when the world was little acquainted with the Goſpel: he prayed God it had not got a dangerous ſurfeit. To ſhew that parliaments had been the occaſion of ſhedding blood as well as the clergy, he quoted the example of that noble parliament who depoſed Richard II. and called it an irreligious, traitorous parliament. In this anſwer he made it plainly appear, that he had no idea of the ſenſe of moral obligations; for having taken a great deal of pains to prove the dominion of prieſts in the Jewiſh commonwealth, he concludes, that if the law could not give rule in this kind to thoſe that live under the Goſpel, a man might remove his neighbour's landmark; he might lead the blind out of the way; he might ſmite his neighbour; for theſe things were only prohibited by the law. *Laud's Remains, by Wharton.*

at this time prevailing, the bill for diſpoſſeſſing them of their ſeats was utterly rejected. Ann. 1641.

THE Commons, exaſperated at this ſturdy oppoſition, determined to ſhew the biſhops that they ſhould have cauſe to repent the obſtruction they had given to their deſigns: the Preſbyterian party took the advantage of this ferment, and introduced into the lower houſe a bill for the total abolition of epiſcopacy. It was drawn up by Mr. St. John, and preſented by Sir Edward Deering, who complimented the houſe on their great moderation in applying ſo gentle a remedy to reſtrain the exorbitances of the clergy as was their late bill: "But this, he ſaid, having proved ineffectual, ſeeing that they were grown more ſtubborn and incorrigible, it

Ann. 1641. was now neceſſary to put the axe to the root of the tree *." The epiſcopal party in the houſe inveighed againſt the preſumption, as they termed it, of a private perſon to bring in a bill which overthrew the whole frame of church-government; and earneſtly urged the rejecting it: the other party as earneſtly preſſed the reading it; and aſſerted, that the orders of the houſe were in their own power, to be altered or diſpenſed with at pleaſure. After a long diſpute, the Puritan party prevailed; the bill was read, committed, and laid aſide till another favourable opportunity offered for reviving it; but on a motion being made for the taking away of deans and chapters, the Commons came to a reſolution that theſe ſhould be utterly aboliſhed, and their lands employed to the advancement of learning and piety, proviſion being made that the King ſhould be no loſer in his rents, firſt-fruits, and other duties †. Farther to humble and terrify the bi-

Parl. Hiſt. vol. IX. P. 356, & ſeq.

* Clarendon tells us, that Sir Edward Deering was very oppoſite to the deſigns of the Puritan party; but that being a man of levity and vanity, he was eaſily flattered into the undertaking any thing; and that his greateſt motive for preſenting this important bill to the houſe was, the opportunity of ſhewing his claſſical knowledge, by the application of the following two verſes in Ovid:

"Cuncta prius tentanda, ſed immedicabile vulnus
"Enſe recidendum eſt, ne pars ſincera trahatur."

Clarendon's Hiſtory of the Civil Wars, vol. I. p. 187.

† The two univerſities interceded in favour of this body; and Hacket, chaplain to biſhop Williams, was permitted to plead their cauſe. Dr. Burgeſs was appointed to anſwer Hacket; and Mr. Thomas, member for Caernarvon, made a ſpeech to the ſame purpoſe: he ſhewed, "That the office of deans, as it was now exerciſed, differed much from its original inſtitution; that they were only appointed caterers

ſhops, an impeachment againſt the fourteen who aſ- Ann. 1641. Biſhops impeached.
ſiſted at the late convocation was carried up to the

terers or ſtewards, to provide food and raiment for the monks; and this at a time when their garments were not coſtly, nor their food dainty, being but bread and water; that when, for the auſterity of their lives, princes did beſtow lands and revenues on them, then their prepoſite, the deans, did partake of their honours and poſſeſſions; and being thus endowed, it was ordained they ſhould be choſen out of the preſbytery: from this riſe they aſpired to the civil magiſtracy, lay-offices, and dignities: humility, piety, and induſtry, laid the foundation of all thoſe magnificent ſtructures wherewith churchmen were anciently endowed; pride, ambition, and avarice, would now demoliſh them." Mr. Thomas farther aſſerted, that the church, as it encreaſed in poſſeſſions, decreaſed in virtue; and that the office of deans, as it was now exerciſed, did neither tend to the honour of God, nor to the propagation of piety, as it had been alleged.

Mr. Pury, member for Gloceſter, produced the copy of the ſtatutes, grants, and foundation, of the dean and chapter of that city; the ſubſtance of which were, that the dean, prebendaries, and canons, were always to reſide in the houſes of the cathedral; there to keep a family, good hoſpitality, feed the poor, diſtribute alms to the needy, and to be careful to preach the word of God. They were to keep a common table in the common hall of the cathedral, where the canons and under-officers were appointed to eat together: the dean and chapter were alſo to give twenty pounds to the poor, beſides to their own almſmen, and twenty pounds towards the repairing of bridges and highways; for the performance of theſe ſtatutes, the dean, prebendaries, canons, and miniſters of the ſaid cathedral were reſpectively to take an oath, that they would obſerve them faithfully, and to their power procure all others to do the ſame. Mr. Pury aſſerted, that it was notoriouſly known to the city of Gloceſter, and thereabouts, that not one of theſe ſtatutes were performed by any of the deans or prebendaries of the ſaid cathedral: they came, indeed, once a-year to receive the rents and profits of the lands; but did not diſtribute to the poor and needy their portion, neglected altogether the mending the highways and bridges, did not keep any common table at all, and, inſtead of preaching the word of God themſelves, had been the chief inſtruments to hinder others from doing it. Mr. Pury farther aſſerted, that infinite were the preſ-

Ann. 1641. Lords *, and a charge, conſiſting of twenty-five articles, againſt Wren biſhop of Ely †: he was voted unfit to hold or exerciſe any office or dignity in the church or commonwealth; and the Lords, at the deſire of the Commons, committed him to the Tower.

A MESSAGE was alſo delivered by Mr. Pym, that the Commons did intend to proceed in the buſineſs con-

ſures that many cities near unto deans and chapters had endured by them and their procurement; and ſeeing that the ſaid deans and chapters were but truſtees, and the profits of their lands ill employed by them, contrary to the truſt repoſed, it was fit, by a legiſlative power in parliament, to take them away, and put them into the hands of feofees, to be diſpoſed of to ſuch religious and charitable uſes as they were firſt intended; which propoſal, if carried into execution, would be ſo far from occaſioning a poor and beggarly clergy, that the overplus of theſe donations would afford a decent and plentiful maintenance. *Parl. Hiſt.* vol. IX. p. 356, *& ſeq.* *Collier's Eccleſiaſtical Hiſt.* vol. II. p. 803.

* The Lords not committing the biſhops on this general charge, a more particular one was brought up by the Commons. This had no better effect; and the biſhops were permitted to be ſo dilatory in their defence, that in a quarter of a year after the commencement of the proſecution they put in a plea and demurrer, inſtead of an anſwer to the charge of the Commons. The Commons complained of the unneceſſary delays, and particularly of the Lords admitting the demurrer, without calling up the Commons to be preſent when the matter was argued. *Nalſon*, vol. II. p. 717, *& ſeq.*

† One of the twenty-five articles was, that the ſaid biſhop having exacted of the city of Norwich two ſhillings in the pound in lieu of the tithes of houſes, though, by the law of the realm, no tithes ought to be paid out of the rents of houſes, he, to effect this, did obtain of the King an order under the great ſeal of England, that the perſons refuſing to pay ſhould be heard in the court of Chancery, or the conſiſtory of the biſhop of Norwich, and that in ſuch caſe no prohibition ſhould be granted. *Nalſon*, vol. II. p. 351, *& ſeq.*

cerning

cerning the archbiſhop of Canterbury; therefore de- Ann. 1641.
ſired their lordſhips to appoint a ſelect committee to examine ſuch witneſſes as the Commons ſhould deſire, and that to be in the preſence of ſuch members of the lower houſe as that houſe ſhould appoint; that the examination might be kept ſecret, as in the caſe of the earl of Strafford; and, as an order had paſſed the Commons to examine their own members, that the Lords would provide that ſuch members of their own houſe as ſhould be nominated by the Commons be likewiſe examined: to this meſſage the Lords gave their aſſent. Among theſe acts of juſtice, the judges were not forgotten: an impeachment was ſent up againſt all thoſe who had given their opinion for the crown in the caſe of ſhip-money, and who in many other inſtances had in the moſt notorious and profligate manner betrayed the laws to the invaſions of power *. Pierpoint, ſon to the earl of Kingſton, was appointed to enforce the charge againſt Sir Robert Berkeley. Many of the evils under which the nation had groaned, he

Impeachment of the judges.

Ruſhworth, vol. IV. p. 318, & ſeq.

* One of the articles againſt Sir Robert Berkeley was, that, contrary to a ſtatute of the five-and-twentieth year of king Henry VIII. ſome ill affected perſons endeavouring to bring a charge upon the ſubjects contrary to law, did ſurmiſe that the price of corn might be rated according to the direction of that ſtatute for the rating of other kinds of proviſion, and thereupon great gain might be raiſed to the King by licences and diſpenſations for ſelling corn at other prices. On theſe ſuggeſtions, a command from the King having been procured to require the judges to deliver their opinion touching the queſtion, Sir Robert, in furtherance of the ſaid unlawful charge, did deliver his opinion that corn was ſuch victual as could be legally rated. *Ruſhworth*, vol. IV. p. 318, *& ſeq.*

ſaid,

Ann. 1641. ſaid, might have been prevented by the judges: their unjuſt judgments had been our records; this kingdom had known wicked ſtateſmen, craftily politic, who hated our laws, but not meeting with judges moulded to their purpoſes, the realm flouriſhed: of late others, leſs politic, meeting with judges every way as ill as they could wiſh them, then did the people faint. Mr. Pierpoint juſtly obſerved, that the beſt lovers of their Laws and Liberty, the moſt honeſt, ſuffer moſt by an unjuſt judge; they moſt oppoſe his vices. He that will do no wrong will ſuffer none that he can help; and he that knows himſelf to be born free will do his utmoſt to live ſo, and leave that freedom to poſterity. Law was Liberty; and the unlimited power muſt be in ſome to make and repeal laws, yet nature placed it in common conſent only. Mr. Pierpoint farther obſerved, that the countryman followed the plough with alacrity when he thought himſelf aſſured of his right of property and freedom; but when he had loſt that aſſurance, idleneſs was regarded as wiſdom, ſince induſtry itſelf could not ſecure a man from beggary. Mr. Waller, who enforced the charge againſt judge Crawley, obſerved, that tho' the delinquent had, by a ſuppoſed neceſſity, declared the diſſolution of law, yet he had proceeded to condemnation and puniſhment; as if the law was in force for our deſtruction, and not for our preſervation; that it had power to kill, but none to protect. On every county a ſhip was annually impoſed, and who would not have expected that the ſeas would have been covered with our ſhips? But the daily complaints of the decay

decay of our navy *, and the many petitions from the Ann. 1641.
families of the captives at Algiers, ſhewed, that to make us ſlaves at home was not the way to keep us from being ſlaves abroad †; and that the judgment in the caſe of ſhip-money had been ſo far from relieving the preſent, or preventing the future neceſſity, that, as it had changed our real property into the ſhadow of a property, ſo of a feigned, it had made a real neceſſity. Mr. Waller introduced the ſtory of the Roman citizens refuſing to fight the Sabines, whilſt they were commanded by the decemviri, and preferring a preſent diminution of their honour, rather than by victory to confirm the tyranny of their new maſters. This he applied to the late behaviour of the army againſt the Scots; and added, that not only the reſtitution of the Engliſh laws, but the reſtoration of Engliſh courage, depended on the juſtice of the Lords. "Your lordſhips have been often told, added he, how careful your anceſtors were, though with the hazard

* Notwithſtanding the aſſertions that are to be found in hiſtory concerning the proper application of ſhip-money, the navy was at this time in a very low condition; the proviſion of the magazines was decayed, and the arrears of the naval officers very great; a debt of an hundred and thirteen thouſand pounds was incurred. *Ruſhworth*, vol. IV. p. 356. *Nalſon*, vol. II. p. 460.

† The depredations of theſe pirates on the Engliſh ſubjects had been very enormous through the whole courſe of this reign: the parliament at length prevailed on the King to give liberty to certain adventurers to ſet forth ſhips at their own charges, without giving any account to the King or lord-admiral of what Turkiſh prizes they took. By the King's deſire, theſe laſt words were altered to, "Without paying any duty to the King or lord admiral," leaving the parties free to diſpoſe of men, goods, and ſhips, to their beſt advantage. *Ruſhworth*, vol. IV. p. 203, *& ſeq.*

of

Ann. 1641. of their lives, to leave thoſe rights and liberties as entire to poſterity as they received them from their fathers: what they did with labour, you may do with eaſe; what they did with danger, you may do with ſecurity." Mr. Hyde enforced the charge againſt the three barons of the Exchequer: they had, he ſaid, in a tame and eaſy trance of flattery, loſt and forfeited that reputation, awe, and reverence, which the wiſdom, courage, and gravity of their venerable predeceſſors had contracted and procured to the places they held, and rendered that profeſſion, which in all ages had been of honourable eſtimation, contemptible and vile. On the diſpute between the King and his ſubjects, in regard to tonnage and poundage, Mr. Hyde obſerved, that the judgment on the point was not ſo great a crime in the judges, as that they preſumed to judge at all, ſeeing that the matter was undetermined by parliament *. On the ſubject of knighthood, that there was in the judges a contradiction of crimes: in Malverer's caſe they could impoſe no fine, only they had found a trick, which they called the courſe of the court, to make his majeſty a ſaver. Let the ſubject appear, plead, ſubmit to the mercy of the court, iſſues went on ſtill, as if he had done neither, till he did ſomewhat that the court would not order, nor was bound to take notice of when it was done. At the ſame time that the Commons ſent up theſe impeachments againſt the delinquent

* This is not ſtrictly true; becauſe, before the judgment which Mr. Hyde alludes to, viz. Vaſſal's caſe, the Commons had ſtrongly declared againſt the King's exacting tonnage and poundage without aſſent of parliament.

judges,

judges *, they recommended to the Lords to take into their conſideration the merits of Sir Randal Crew; who, from having given his opinion againſt loan-money, was removed from his office of lord-chief-juſtice of the King's-Bench, and damaged in his fortune, by the deprivation of the profits of that place, twenty-ſix thouſand pounds. Ann. 1641.

After repeated ſolicitations from the Commons, the King at length found himſelf obliged to diſband his Iriſh army; but at the ſame time he acquainted both houſes, that he had promiſed to lend theſe troops to the kings of France and Spain. The Lords acquieſced; but the more cautious Commons, juſtly fearing that it was an artifice of the King's to keep on Ruſhworth, vol. IV. p. 381, & ſeq.

* One of the articles againſt Sir Humphrey Davenport, chief-baron of the Exchequer, was, that on the ſentence of degradation againſt Smart, prebend of Durham, a trial was afterwards had concerning the corps of the prebend. Sir Humphrey Davenport preſiding, he, contrary to his oath, directed the jury to find againſt Smart; and being then informed by Mr. Smart's counſel, that though Mr. Smart were dead, or deprived, yet the profits of his prebend were due to his executors till the Michaelmas following, anſwered, that though he was not dead, yet he deſerved to have been dead a great while ago; that he had no remedy, ſave by application to the King, and there he ſhould find but cold comfort, for the King would not go againſt his own prerogative. On Sir Humphrey Davenport's not being charged with the judgment on ſhip-money, Mr. Hyde obſerved, that though he failed in making a concluſion from his premiſes, yet he quickly repented that that miſchief was done without him, and made all poſſible haſte to redeem himſelf from the imputation of juſtice, declaring publicly in the face of the country, that it was adjudged by all the judges of England, that ſhip-money was due to the King; and thereupon impriſoned a poor man for doing that, which, if ſhip-money had been due to his majeſty, had been lawful for him to have done. *Ruſhworth*, vol. IV. p. 344, *& ſeq.*

Ann. 1641. foot a Popiſh army, ready trained and diſciplined, which he might always be ſure of having at command, abſolutely refuſed their aſſent. The King ſhewed himſelf determined to ſtand to his engagement; but was prevented from effecting it, by both houſes publiſhing a declaration, that whoever ſhould aſſiſt in tranſporting the Iriſh troops to any foreign country ſhould be deemed an enemy to the ſtate *.

Journals of Commons, vol. II. p. 285.

During theſe tranſactions, the Commons came to ſome very ſpirited reſolutions concerning the liberties of the ſubject, and the privileges of parliament †.

* Sir Benjamin Rudyard very warmly oppoſed the complying with the King's promiſe. "If it were policy, he ſaid, to breed a militia at the charge of other ſtates, that ought to be done amongſt friends of the ſame religion; if theſe troops were ſent away at the very time that there was an ambaſſador treating with the emperor about the Palatinate, it would convince the world that that embaſſy was but a ſham. He had been ever againſt ſending the Iriſh into Spain; beſides, it would be very prejudicial to England if the Spaniards prevailed over the Portugueſe. Spain had had too much connivance and aſſiſtance heretofore; it had loſt the Palatinate; he hoped now it was come to the parliament's turn to direct, they would not act over other mens faults." In this ſpeech Sir Benjamin Rudyard inculcated this wiſe maxim, that the ſubjects of Great Britain might be much more profitably employed in cultivating the land, than being formed into ſtanding armies, and thus rendered uſeleſs, if not dangerous, to the community. *Ruſhworth*, vol. IV. p. 381, *& ſeq.*

† Reſolved, that the iſſuing out warrants from the lords and others of the privy-council, compelling Mr. Hollis, and other members of parliament, to appear before them, is a breach of the privilege of parliament by thoſe privy-counſellors.

Reſolved, that the committing Mr. Hollis, and the reſt, by the lords and others of the privy-council, during parliament, is a breach of the privilege of parliament.

Reſolved,

An order was likewiſe paſſed, that all the ſhip-money remaining in the ſheriffs' hands ſhould be repaid; and, that the ſcourge of prerogative might no longer terrify the judges from executing uprightly the duties of their office, the parliament inſiſted that their patents, Ann. 1641.

Reſolved, that the ſearching and ſealing of the chamber, and ſeizing of the papers of Mr. Hollis, Mr. Selden, and Sir John Elliot, being members of this houſe, during parliament, is a breach of the privilege of parliament.

Reſolved, that the exhibiting an information in the court of Star-chamber againſt Mr. Hollis, and the reſt, for matters done in parliament, being members of parliament, is a breach of the privilege of parliament.

Reſolved, that there was a delay of juſtice towards Mr. Hollis, and the reſt that appeared upon Habeas Corpus.

Reſolved, that the continuance of Mr. Hollis, and the reſt of the members of parliament, 3 Car. in priſon, by the then judges of the King's-Bench, for not putting in ſureties to good behaviour, was without juſt or legal cauſe.

Reſolved, that the exhibiting the information in the King's-Bench againſt Mr. Hollis, Sir John Elliot, and Mr. Valentine, being members of parliament, was a breach of the privilege of parliament.

Reſolved, that the judgment given upon a *nihil dicet* againſt Mr. Hollis, Sir John Elliot, &c. and the fine thereupon ſet, and their ſeveral impriſonments, was againſt the law and privilege of parliament.

Reſolved, that Mr. Hollis, Mr. Stroude, Mr. Valentine, Mr. Long, and the heirs and executors of Sir John Elliot and Sir Miles Hobart, reſpectively, ought to have reparation for their reſpective damages and ſufferings, againſt the Lords and others by whoſe warrant they were apprehended and committed, and againſt the counſel that put their hands to the information in the Star-chamber, and againſt the judges in the King's-Bench.

Reſolved, that Mr. Laurence Whitacre, a member of this houſe, be ſent to the Tower for ſearching the trunks of Sir John Elliot, and for ſeizing and carrying away his papers.

Ruſhworth, vol. IV. p. 347.

Ann. 1641. which had been granted by Charles *durante bene placito*, ſhould be changed to *quamdiu ſe bene geſſerint*.

The Star-chamber verdict againſt the city of London reverſed. Journals of Commons, vol. II. p. 272.

THE judgment given in the Star-chamber againſt the city of London, for breach of covenant, coming before the lower houſe, it was reſolved, that the court of Star-chamber, whilſt it ſtood as a court, had no power to examine matters of freehold or inheritance, nor determine breach of covenant and truſt; that in all proofs of the cauſe, there did not appear matter ſufficient to convict the city of London of any crime; that, upon the whole matter, the ſentence was unlawful and unjuſt; that the King ought to pay the money he had received upon compoſition; that the citizens of London ought to be diſcharged of the judgment*, and be reſtored to the ſame ſtate they were in before the ſentence in the Star-chamber †.

* The King's commiſſion, proclamation, and the Star-chamber proceedings, on the buſineſs of ſoap-making, was at the ſame time cancelled and declared illegal; that the reſtraining of the ſubjects, the examination of them by oath againſt themſelves, was contrary to law; and that the ſeveral parties who were covenanters were delinquents, and ought to make amends to the commonwealth, and to thoſe individuals who had been oppreſſed in conſequence of the covenant. *Journals of the Commons*, vol. II. p. 260, 299.

† A diſpute which aroſe about this time between the lord-mayor and commonalty of the city of London, concerning the election of a ſheriff, was brought into the houſe of Lords. The citizens were at this time the great creditors of the nation: the parliament were now applying to them for the loan of forty thouſand pounds, towards diſbanding the Scotch army; therefore the Lords, not caring to offend either ſide, ſettled the election of the ſheriffs in the commonalty for the enſuing year, with a ſalvo for both parties. *Nalſon*, vol. II. p. 318, 456.

WHILST

WHILST the Commons were thus aſſerting the dignity and authority of parliament, and eſtabliſhing the privilege of the ſubject, Charles, who looked with diſdain on their pretenſions, and with horror on their power, was plotting new ſchemes to regain his loſt prerogative: he had flattered himſelf, that fair words, with a few conceſſions, and correcting ſome of the groſſeſt abuſes of government, would have obtained from the Commons a ſupply ample enough to have revenged himſelf on his Scotch ſubjects. On theſe hopes he called a parliament; whilſt himſelf and his creatures endeavoured to foment thoſe feuds which had ever ſubſiſted between the two nations. On the meeting of this aſſembly, he found, from the ſtrong coalition of the Scotch army with the prevailing party in parliament, that his invaſions on the liberties of both people had given riſe to an union which baffled all his attempts to revive ancient jealouſies; and that the Scots were to ſerve as auxiliaries to that faction in England who had moſt powerfully oppoſed his arbitrary pretenſions. If the oppoſition of that Northern kingdom had rouſed and enflamed his monarchical pride, how much more ſtrongly was his reſentment excited at the progreſs of the reformation which was daily making in Engliſh politics. Were the utmoſt pretenſions of the Scots carried into execution, thoſe immunities, yielded from neceſſity, might, on the firſt favourable opportunity, be eaſily regained, whilſt the power of the crown continued unſhaken in the reſt of the Britiſh dominions. But when England, that ancient ſeat of monarchical pomp, who had long bowed her neck to the yoke of tyranny, Ann. 1641.

Ann. 1641. tyranny, when ſhe aſſumed a popular government, aſſerted her native rights, and threw off the galling chains of regal and eccleſiaſtical power, what could ſtop the progreſs of Liberty, and in what part of the Britiſh empire could deſpotiſm hope to re-aſſume its claims? On this view of the ſtate of affairs, Charles adopted new meaſures; he found that the Scotch commiſſioners had obtained all their demands of the Engliſh parliament, that they had been wooed by this aſſembly, with the utmoſt extent of liberality, to keep honeſtly to the promiſes and declarations they had made of aſſiſting England in perfecting the ſame reformation in its government, as they pretended to eſtabliſh in their own country. To deſtroy, therefore, a harmony which had hitherto compaſſed ſuch notable atchievements, and, if poſſible, bring over the Scots to the royal intereſt, was at preſent the ſole view of the King. He ſtifled the reſentment he had hitherto ſhewn, and ſtrove, if poſſible, to outvie the parliament in courteſy towards the Scots. His party forwarded every motion which had been made in their favour. It was already voted, that before they left the kingdom, they ſhould be paid the arrears of the monthly allowance, and eighty thouſand pounds out of the ſum of three hundred thouſand pounds agreed to be given them for their brotherly aſſiſtance, and to receive parliamentary ſecurity for the reſidue to be paid in two years *. The Scotch commiſſioners had

Conceſſions to the Scots.

* This profuſion of favour excited jealouſy. The earl of Briſtol could not help ſaying, in a conference concerning the treaty, that the Scotch invaſion had already coſt the nation eleven hundred thouſand pounds. *Ruſhworth*, vol. IV. p. 360.

Charles

ſent in a propoſition, that they deſired, as a ſpecial means for the preſerving peace between the two kingdoms, a perfect unity in religion, and uniformity of church-government. The Commons, far from expreſſing any diſpleaſure at this intermeddling, returned this civil anſwer, "That they did approve of the affection of their brethren in their deſires of uniformity in religion, and did give them thanks for it: and as they had already taken into conſideration the reformation of church-government, ſo they would proceed therein as ſhould beſt conduce to the glory of God, and the peace of the church." The Scots were ſo intent on this point, that they made it one of the articles of the treaty of peace; and Charles, even on this tender ſubject, did not deviate from the complaiſance of the parliament. Every thing that the Scots demanded for the ſecurity of their civil rights was granted them *. In the point of puniſhing offenders,

Ann. 1641.

Charles aſſented to the mortifying condition, that the Scots ſhould be declared good ſubjects, and their invaſion approved of as a laudable enterprize. This condition, by a vote of parliament, was ordered to be read in all churches, upon the day of thankſgiving appointed for the national pacification. Biſhop Williams, whoſe conduct ſince the meeting of this parliament had already given great diſtaſte to the Commons, very officiouſly compiled a ſet office for the ſervice of the day of thankſgiving; a declaration paſſed the lower houſe, that Williams had no power to ſet forth any prayer, and therefore the houſe did order, that that prayer ſhould not be read in the liberties of Weſtminſter, or elſewhere, and that it ſhould be taken into conſideration. *Nalſon*, vol. II. p. 476, & *ſeq.* *Journals of Commons*, vol. II. p. 274.

* One of the articles that the Scots demanded was, that an act ſhould be paſſed in the parliaments of England and Ireland, that the kingdoms of England and Ireland ſhould not denounce or make war againſt the kingdom of Scotland, without conſent of the parliament of

Ann. 1641. Charles agreed, that proceedings ſhould go on againſt them in Scotland, and that they ſhould be no more employed in Scotch affairs *.

of England; the parliament of Scotland paſſing an act there, that the kingdom of Scotland ſhould not denounce or make war againſt the kingdoms of England and Ireland, without conſent of the parliament of Scotland; and that no ſhips ſhould moleſt the trade of either kingdom without conſent of parliament, declaring a breach of peace; the ſtates of the country to puniſh the offenders of this act; which, if they neglected to do, the neglect was to be counted a breach of the peace of the whole kingdom: if any of the ſubjects of any of the kingdoms ſhould riſe in arms without the conſent of parliament, that then it ſhould be lawful for any of the ſubjects to convene to ſuppreſs ſuch evil-affected perſons: and if either parliament ſhould denounce war, they ſhould give three months notice: and that an act ſhould be made in the parliament of England for ratifying the treaty, which is alſo to be ratified in the parliament of Ireland: and that this treaty, and whole proceedings thereof, may be likewiſe ratified in the parliament of Scotland, and a firm peace eſtabliſhed; it is deſired that his majeſty may be now pleaſed to declare, that the enſuing parliament of Scotland may have full and free power, as the nature of a free parliament of that kingdom doth of itſelf import, to ratify and confirm the treaty and whole articles thereof; and to receive account of all commiſſions granted by them, examine their proceedings, and grant exonerations thereupon; and to treat deliberately, conclude, and enact, whatſoever ſhall be found conducible to the good and peace of that kingdom; and that his majeſty's commiſſioners ſhall be authoriſed with full power to approve whatſoever acts and ſtatutes, which ſhall be accorded unto by the eſtates on that behalf, and ſhall ſit and continue without interruption or prorogation, while all things neceſſary for that effect be determined, enacted, and brought to a final concluſion. The act of oblivion not only juſtified whatever had been done in oppoſition to Charles's government, but excepted from pardon all thoſe who, by his commiſſion, had acted in oppoſition to the intended reformation. *Ruſhworth*, vol. IV. p. 372.

* The Scotch prelates, the earl of Traquaire, Sir Robert Spotſwood, Sir John Hay, and Balcanqual, who had drawn up Charles's declaration againſt the Scots, were the perſons excepted out of the act of oblivion.

Ann. 1641. WITH this management the arts of corruption were not omitted: they had proved very ſucceſsful ſince the death of the offender Strafford had diſſolved that union general hatred to his perſon and rage for juſtice had occaſioned. The force of flattery and promiſes daily gained proſelytes to the monarchical faction in parliament. The earl of Rothes, who was one of the chief confidants of the covenanters, was won over to the King's intereſt with the promiſe of being made gentleman of the bedchamber, and marrying a rich Engliſh heireſs, the counteſs of Devonſhire *. The Scotch commiſſioners were not inexorable: the complaiſance of the Engliſh parliament had filled them with ſuch high notions of importance, that they perſuaded the King, that their intereſt, with his perſonal preſence in the Scotch parliament, and a total compliance in matters of religion, would procure him a party ſtrong enough to over-awe his oppoſers. Whilſt the treaty was concluding in England, the diviſions in Scotland had run high: the power and influence of Argyle had occaſioned ſuch jealouſy, that Montroſe, who mortally hated this nobleman,

Burnet's Hiſt. vol. I. p. 30.

Memoirs of the Duke of Hamilton, p. 184.

oblivion. To ſave Charles the pangs of delivering up men who had done evil through his inſtigation, various expedients were propoſed and rejected: at length it was determined, that though they ſhould be judged by the parliament, yet the cenſure ſhould be remitted to the King.

* It was not from any ſtruggling principle of honeſty, that he was not gained before. Burnet tells us, that Spotſwood had once made a bargain between him and the King before the commotions; but that the affair was broke off by the cabals of the earl of Traquaire, who could not endure that Rothes ſhould be raiſed above him. *Burnet's Hiſt. of His Own Times*, vol. I. p. 28.

Ann. 1641. was enabled to form a conſiderable aſſociation for the King. This aſſociation was diſcovered by the covenanters, and ſome of his friends were ſent to priſon; Montroſe accuſed Argyle and his followers with an intent to depoſe the King; and prevailed with one Stewart to give under his hand, that he had heard Argyle make ſuch a propoſal. Stewart was committed to priſon: he retracted his evidence, as extorted from him by Montroſe; and a proſecution was ſet on foot againſt this incendiary, who imagined himſelf to be of ſuch conſequence, that he ſent flattering aſſurances to the King, that when he was ſupported by his preſence, he ſhould be able to retrieve his affairs with a high hand. Thus encouraged, Charles determined on a journey to Scotland; not without hopes that, in his progreſs through the North, he might find means to gain the Engliſh army.

Embaſſy and manifeſto in favour of the Palatinate family. Ruſhworth, vol. IV. p. 308, & ſeq.

To prevent any jealouſies that might ariſe, and to cajole both houſes into good humour, at the ſame time that he informed them of his intended viſit to Scotland, he aſked their advice and aſſiſtance concerning an embaſſy and manifeſto *, in favour of his ſiſter's

* The manifeſto acknowledged, that both Charles and his father had been groſly deluded by the courts of Vienna and Madrid; that their pious inclination and regard for peace had induced them to omit divers occaſions whereby they might have prevented the violences and oppreſſions uſed to the Palatinate family; that they had not only been drawn to forbear to engage in ſo juſt a cauſe, but had procured the diſbanding the forces of count Mansfeldt, and had cauſed the ſurrender of ſome places of ſtrength into the hands of the late infanta of Spain. Charles addreſſed his parliament in a very different ſtyle from what he had hitherto uſed: "I take an occaſion, ſaid he, to preſent that

diſtreſſed family, which he propoſed to ſend to a diet Ann. 1641.
to be held at Ratiſbon. Many members of the Commons' houſe ſhewed their zeal in this buſineſs. Sir Simon d'Ewes accuſed the Jeſuits of having been the occaſion of that bloody war which for the ſpace of twenty years had ravaged Germany: he traced the troubles of the empire from the competition to the dukedoms of Cleves and Juliers to the preſent time; related the politics of the court of England, including the Spaniſh treaty, and archly enough ſaid, that he hoped the parliament would verify that excellent and heroic expreſſion of prince Charles, "Look for neither marriage nor friendſhip, without the reſtitution of the Palatinate *." Sir Benjamin Rudyard, a great partizan of the Palatine family, earneſtly exhorted the houſe to give weight to the King's manifeſto, by publicly declaring an approbation of the ſame. The following reſolution was the iſſue of this debate:

that to both houſes whereby I hope all the world ſhall ſee there is a good underſtanding between me and my people: It is concerning my nephew, the elector-palatine; who having deſired me and the king of Denmark to give conſent to a writing concerning the diet at Ratiſbon with the emperor, I could not but ſend my ambaſſador to aſſiſt him, though I am afraid I ſhall not have ſo good an anſwer as I expect; which my nephew foreſeeing, hath deſired me, for the better countenancing of the ſame, to make a manifeſt in my name; which is a thing of great conſequence, and if I ſhould do it alone, without the advice of my parliament, it would rather be a ſcorn than otherwiſe: therefore I do propoſe it unto you, if you will adviſe me to it, I do think it were fit to be publiſhed in my name." Sir Thomas Roe, a ſtaunch friend of the Palatine family, was entruſted with this embaſſy. *Ruſhworth*, vol. IV. p. 308.

* Charles had lived in a perfect friendſhip with the court of Spain for ſome time.

Ann. 1641. "That the Commons did approve of his majeſty's pious intention in behalf of the Palatine family; and if the preſent treaty ſhould not ſucceed, they would be ready to give him ſuch advice and aſſiſtance as ſhould ſtand with his honour, and the intereſt and affection of the kingdom." The Lords concurred with the Commons in this reſolution, and both houſes deſired the King to recommend the manifeſto to the parliament of Scotland, that the concurrence of that kingdom might be likewiſe obtained *.

THE benefits which the Engliſh parliament, and particularly the lower houſe, had conferred on the Scots, were of a nature that exacted a return of the utmoſt gratitude: on this preſumption, the Commons placed ſuch a confidence in this people, that, dreading no treachery from their quarter, they were not at firſt diſguſted at the King's intention to pay them a viſit; but ſome papers, written in a cypher from Montroſe and his party in Scotland, having been diſcovered and produced, the Commons took the alarm, and, by the following reſolutions, ſeemed to apprehend that the King had ſome deſign of putting himſelf at the head of the Scotch forces, and that he hoped for the concurrence of the Engliſh army: "Reſolved, that both houſes be humble ſuitors to his majeſty, that the armies may be diſbanded before the King's going into the North; that every part of the kingdom be put

* Mr. Hampden informed the Commons, that the earl of Eſſex had received letters from the queen of Bohemia, wherein ſhe gave humble thanks to the parliament for their regard and conſideration of her. *Parl. Hiſt.* vol. IX. p. 461.

into

into a poſture of defence againſt all oppoſition whatſoever; that all counties, eſpecially the northern, be well ſtored with ammunition and arms, and that the trained bands be exerciſed; that an eſpecial eye be had over all counties where the Papiſts are moſt reſident, and that all public bills for the peoples' ſafety be expedited whilſt the King is among us; that ſome courſe may be taken for the taking off all aſperſions that have been raiſed concerning the parliament; ſome care to be taken for her majeſty's ſafety, and the ſafety of the King's children; and that ſome perſon of credit, quality, and truſt, may be thought of, to be always near the queen, in the time of the King's abſence." A committee was immediately appointed to draw up the heads of a conference with the Lords. Mr. Pym, chairman of the committee, managed the conference. Ten propoſitions were offered: the firſt concerned the ſpeedy diſbanding of the armies: the ſecond inſiſted on the King's putting off his journey till this was effected, and the buſineſs of importance depending in parliament diſpatched: the third, that the King ſhould remove from his councils thoſe who had ſhewn themſelves malevolent againſt the peace of the kingdom, and fill up their offices with ſuch whom the parliament could confide in: the fourth, that the queen ſhould take ſuch perſons into her confidence, that Jeſuits and prieſts ſhould be reſtrained from coming to court, and the college of capuchins at Somerſet-Houſe diſſolved: the fifth, that the King's children might be put under the tuition of perſons of public truſt, and well affected in religion: the Ann. 1641.

ſixth,

Ann. 1641. ſixth, that any perſon who ſhould come into the kingdom with inſtructions from the pope, ſhould be declared guilty of high-treaſon: the ſeventh, that the militia ſhould be put in a good poſture and made fit for ſervice, that its officers ſhould be approved by parliament, and that an eſpecial oath, authoriſed by law, and ſuch as might ſecure the public in this time of danger, might be impoſed on them; that the five ports, and all the ports of the kingdom, might be put into good hands, and eſpecial care taken for their reparation and proviſion; that the lord-admiral ſhould inform the parliament in what ſtate the navy was, and that it ſhould be provided for out of tonnage and poundage for the ſecurity and peace of the kingdom: the eighth, that a general pardon ſhould be drawn up: the ninth, that a ſtanding committee ſhould be appointed by both houſes to confer together on particular caſes: the tenth, that the King would be ſparing in ſending for Papiſts to court, that the laws might be put in execution againſt thoſe who came unſent for, that recuſant ladies ſhould be removed from court, that the perſons of active Papiſts ſhould be reſtrained, and no penſions allowed to ſuch recuſants as were held dangerous. The Lords agreed with the Commons on the main of theſe articles, but objected to that which related to the queen, on the pretence that it was contrary to the King's marriage articles *. The Commons not only defended their ten

* The King's marriage articles were neither approved or aſſented to by parliament, and conſequently they had a right to inſiſt on their not being executed, if found dangerous, or otherwiſe offenſive. All private

propoſitions, but in a few days ſent up five additional ones, concerning the preventing Papiſts being harboured in the houſes of foreign ambaſſadors; the diſmiſſing them from all places of truſt; that the arms which had been taken from the ſeveral counties ſhould be reſtored *; and that the houſe of Commons ſhould have ſuch gunpowder out of his majeſty's ſtore, as might be ſpared, paying after the rate of ten-pence a-pound; and that, if his majeſty could ſpare any arms out of his ſtores, they would purchaſe them. The King aſſented to the five additional propoſitions, without giving a ſatisfactory anſwer to many of the others; but the Lords, who had now perfectly agreed with the Commons, appointed a ſtanding committee to meet with a committee of the lower houſe, to confer about ſuch courſes as ſhould be moſt effectual for the reducing all the propoſitions to effect for the public good. Ann. 1641.

Proceedings againſt the pope's nuncio, and other Papiſts. Journals of Commons, vol. II. p. 185, & ſeq. Ruſhworth, vol. IV. p. 300.

ROSSETTI, the pope's nuncio, and father Philips, the queen's confeſſor, having been mentioned as two of the moſt noxious agents about the court, it was reſolved that they ſhould be ſent for to attend the committee for the propoſitions. Roſſetti fled the kingdom; but father Philips had the imprudence to tell

vate reſpects ought to give way to public good. The Commons, in a conference with the Lords on this ſubject, declared there were ſome things in them contrary to law.

* The King, intending to make a magazine of military ſtores in the caſtle of Edinburgh, had in ſeveral counties taken from the trained bands their arms, and ſent them into Scotland. *Rapin*, vol. II. p. 230.

the

Ann. 1641. the meſſenger, that the queen had ordered him not to obey the ſummons till ſhe had ſpoken with the King, and that he would follow her directions before the commands of the houſe of Commons. When the Commons were informed of this inſolence, they ſent a warrant to bring Philips before them as a delinquent. Philips for ſome time ſheltered himſelf at Whitehall; but on a complaint of the Commons, that the King's houſe was made a ſanctuary for criminals, he made a voluntary appearance, where, on his knees, he attempted to excuſe his abſurd oppoſition. After remaining ſome time in cuſtody, he was ſent to the Tower, and twelve articles of a ſeditious and criminal conduct were drawn up againſt him. It was referred to the committee for the Popiſh hierarchy to enquire what penſions were allowed to Philips and others for the ſeducing to Popery the children of Proteſtants, and what penſions were allowed to ſeminaries beyond the ſeas, and to prieſts within the kingdom.

THE Commons were kept in perpetual alarm that dangerous deſigns were carrying on againſt the infant ſtate of Liberty. The King continued reſolute not to poſtpone his journey to Scotland till the armies ſhould be diſbanded; and what rendered this inflexibility more ſuſpicious, he prevailed with the Scotch commiſſioners to preſent a paper to the Commons, giving ſome unſatisfactory reaſons why their deſires could not be complied with. On the intelligence that ſome French forces were marching towards Picardy, and that the queen intended to leave the kingdom under the

Farther proceedings againſt delinquents in the army plot.

the pretence of want of health, they entered into Ann. 1641.
new enquiries on the army plot: commiſſary Wilmot, colonel Aſhburnham, and colonel Pollard, were committed to priſon, and their pay as officers ſtopped *. All foreign letters, both outward and inward, were ordered to be opened; and the King was addreſſed by both houſes againſt the queen's intended journey †.

* Mr. Selden ſpoke in favour of theſe delinquents, and urged, that they were not only acquitted, but pardoned, by the act of pacification. To this the houſe objected, ſaying, that that act was not to be ſo interpreted, for, if it was, the archbiſhop of Canterbury, and other notorious offenders, could not be proceeded againſt. Although Clarendon accuſes the Commons of being in this caſe guilty of a ſubterfuge, to prevent the archbiſhop of Canterbury, and other offenders, eſcaping with impunity, yet in this point they were very conſiſtent, having all along declared, with the Scots, that the great delinquents ſhould be held excluded out of any act of oblivion, or general pardon. The parliament aſſented to the proviſo in the act of pacification, put in by the Scotch commiſſioners, viz. That no benefit in the act ſhould extend to the Scotch prelates, or others purſued as incendiaries between the two kingdoms, and betwixt the King and his people, on condition that it ſhould be reciprocal between both nations; and the Engliſh commiſſioners for the treaty did aver, that they never did intend that the act of pacification ſhould extend farther than to things paſt between the two kingdoms of England and Scotland in matters of hoſtility, and things thereunto belonging. *Nalſon*, vol. II. p. 625. *Parl. Hiſt.* vol. IX. p. 378.

† The addreſs ſet forth, that there was cauſe to doubt that the Papiſts had ſome deſign in her majeſty's journey, for they had ſold their lands, and been very diligent in gathering together ſums of money; many of the better ſort were gone beyond ſea; and the houſe of Commons had received information of great quantities of treaſure in jewels, plate, and ready money, packed up to be conveyed away with the queen; and becauſe they underſtood, by her majeſty's phyſician, that the chief cauſe of her ſickneſs proceeded from diſcontent of mind, they thought good to declare, that if any thing within the power of par-

Ann. 1641. This interpoſition gave ſome interruption to the queen's ſchemes: ſhe found it neceſſary to comply with the requeſt of parliament; and the Commons, in return for what they civilly termed an obligation, voted her the thanks of both houſes, and inſtantly went upon a bill for the ſettling her jointure.

THE preſent ſituation of affairs continued in a tickliſh poſture. The King was peremptory in his reſolution to viſit Scotland. Neither army was diſbanded. Many members of both houſes, either from levity, corruption, or rooted prejudices, grew cool to the popular intereſt; and the conduct of the Scotch commiſſioners was refractory and ſuſpicious. Theſe difficulties did not prevent the oppoſers of the court from proceeding with firmneſs and vigor. They yet maintained a conſiderable majority in the lower houſe, and they exerted their power with great ſpirit againſt the corrupt influence of the royal faction. The lord Digby, who, ſince his diſaffection, had oppoſed all their meaſures with a daring boldneſs, fell under the laſh of their ſevereſt cenſure. Vain of his abilities as a ſpeaker, he had publiſhed his ſpeech againſt the bill of attainder, after that bill had paſſed both houſes, and after he had been queſtioned for the freedom he had uſed in the ſame ſpeech. The Commons looked upon this as a high contempt of their authority; and the King having rewarded Digby's apoſtacy with call-

liament could give her content, they would be ready to farther her ſatisfaction in all things, ſo far as might ſtand with that public---*(good)* to which they were obliged. *Parl. Hiſt.* vol. IX. p. 449, *&c ſeq.*

ing

ing him to the houſe of peers, ſo the Commons, to Ann. 1641.
ſignify their reſentment, ordered his ſpeech to be burnt by the hands of the hangman, and paſſed a reſolution, that the Lords ſhould be moved to join in a petition to the King, that he would forbear to confer any honour and employment on a perſon who had deſerved ſo ill of the parliament. The Commons were now in the utmoſt perplexity: they found innumerable difficulties in diſbanding the army, on account of the ſlow coming in of the poll-money *;

* For the ſpeedy raiſing of ſo large a ſum as was neceſſary to the diſbanding the army, an order paſſed both houſes for the bringing in and melting of plate. Among the reſolutions that paſſed in the buſineſs of raiſing money, the following one cut up the evil of arbitrary impoſitions by the roots. Reſolved, that the eſtates of all ſuch perſons, living or dead, as have, by colour of any patent, received from the ſubject, under pretence of cuſtom, over and above that three-pence in the pound anciently due unto the King by law, or have been ſharers with the patentees, ought to be made liable to reſtitution for ſo much as appears, by their accounts and confeſſions, to be clearly gained by them. This reſolution, which exacted a juſt retribution of public property, has been cenſured by a very judicious hiſtorian as a ſtretch of arbitrary power not founded in equity, becauſe the right of impoſing had been adjudged to the King by the courts of Weſtminſter-hall. The profligate dependance of thoſe courts was in this reign very notorious; and in caſes of private property, the man who wilfully or ignorantly purchaſes a falſe title, ſubjects himſelf and his heirs to the hardſhip of refunding whenever the right owner can make good his claim. The parliament had always controverted the pretenſions of the crown in this point; and it has been already obſerved, that the King, by the conſtitution, is ſo far a minor as not to be accountable for committing offences againſt the laws. This being the caſe, there can be no other means for ſecuring the ſubjects from the encroachments of power, but by rendering all its inſtruments liable to ſevere cenſures. An honeſt man, who is fond of Liberty, will take care to inform himſelf of every conſtitutional point which relates to the privilege of the ſubject. Ignorance itſelf is not, in a caſe of ſo high an importance, a

Ann. 1641. and the Scots ſignified a determination not to depart the kingdom till the arrears of the monthly allowance were paid, and eighty thouſand pounds of the bounty money *.

On Auguſt the ſeventh, the Commons ſent to deſire the Lords to concur with them in petitioning the King to put off his journey, urging that they had only aſſented † to it on a ſuppoſition that they could have

ſufficient excuſe; becauſe that very ignorance is in ſome degree criminal, ſince it may be avoided, and renders men liable to become tools to the higher inſtruments of oppreſſion. It was this vote that raiſed a hundred and fifty thouſand pounds compoſition-money from the farmers of the cuſtoms.

At this time the following juſt cenſure paſſed upon the vintners. "Reſolved, that the company of vintners, by their offer of forty ſhillings *per* ton upon wines to his majeſty, and demand of liberty to raiſe the price of wines, are contrivers of the ſaid unlawful impoſitions, and delinquents."

Notwithſtanding the difficulty the Commons found to raiſe a ſufficient ſum to pay the army, they were ſo deſirous of getting rid of the queen-mother, and her train of Papiſts, that being told ſhe was ready to depart if money could be procured for ſending her away, they conſented to allow ten thouſand pounds of the poll-money for that purpoſe.

This princeſs retreated to Cologne in Germany, where ſhe died in a ſhort time, without having had other ſupport than what ſhe obtained from the parliament and court of England. *Journals of the Commons*, vol. II. p. 218. *Ruſhworth*, vol. IV. p. 317.

* They refuſed the repeated deſires of the Commons to diſband their army, and forbear inſiſting for five or ſix weeks on the payment of forty thouſand pounds of the eighty they were to receive for brotherly aſſiſtance, upon perſonal or any other ſecurity they ſhould think fit. *Journals of the Commons*, vol. II. p. 220.

† They had aſſented to his going on the tenth of Auguſt, and ſent the lord-general down to diſband the army, on a ſuppoſition that the poll-

effected the diſbanding the army. The King was then Ann. 1641. petitioned either to ſtay fourteen days longer, or to appoint one or more perſon or perſons to have the power of a *locum tenens* during his abſence; and that ſuch perſon or perſons ſhould have power to give the royal aſſent in parliament *. On theſe debates the Commons ſat till ten o'clock on the Saturday-night, and all the next day †, plying the King with conti-

poll-bill would have brought in money to pay both them and the Scots. The earl of Holland was appointed general in the room of the earl of Northumberland, who had reſigned. The earl of Holland made a motion, that the parliament ſhould grant him a power to exerciſe martial law, under pretence that without ſuch an authority there would be great tumults and diſorders. The Lords ſeemed to acquieſce; but the Commons, more tender of public liberty, rejected the motion, and reſolved, that the mutinous ſoldiers ſhould be puniſhed by the civil powers; and that the juſtices of peace, and other civil officers, in the counties through which they paſſed to the places of their abode, ſhould provide for their orderly conducting. *Journals of the Commons*, vol. II. p. 188. *Nalſon*, vol. II. p. 318.

* Clarendon is very free in his cenſures on the Commons for making ſuch a requeſt: he calls it an extravagance they did not underſtand, and that no ſuch commiſſion could be legally granted. It was not only aſſerted in the debates on this ſubject in the lower houſe, that the ancient and conſtant courſe in all times had been always to have a *locum tenens* in the King's abſence, a parliament ſitting not limited to any particular matter, but precedents were brought to ſupport this aſſertion. *Journals of the Commons*, vol. II. p. 240.

† "Ordered, that the houſe be called over on Wedneſday ſe'nnight, and that the knights, citizens, and burgeſſes, do ſend down to the ſheriff of every county, requiring their members to return, on pain of incurring the diſpleaſure of the houſe.

"Ordered, that the houſe ſhall meet tomorrow, being Sunday, concerning the peace and quiet of the kingdom.

"Reſolved,

Ann. 1641. nual meſſages to put off his journey. Theſe entreaties were in vain: Charles pleaded his promiſe, and got the Scots commiſſioners firmly to inſiſt on his commencing his journey on the appointed day *. On the eve of that day he accordingly ſat forward †, after paſſing all the bills that were made ready ‡, and leaving, inſtead of a *locum tenens*, a limited commiſſion for paſſing others with the lord-keeper, the marquis of

The King's journey to Scotland.

Acts paſſed.

" Reſolved, that the houſe ſhall enter into conſideration of no buſineſs whatſoever on this day, but ſuch as ſhall immediately concern the good and advancement of religion, and the ſafety of the kingdom."

Neither houſe thought theſe reſolutions a ſufficient juſtification for their doing what the majority of the nation looked upon as a kind of prophanation of the Lord's Day: they publiſhed a declaration, that they would not have done this but upon inevitable neceſſity, the peace and ſafety both of church and ſtate being ſo nearly concerned; which they did declare to the end that neither any other inferior court or council, or any other perſons, might draw it into example for neglecting the due obſervation of the Lord's Day. *Journals of the Commons*, vol. II. p. 245, *&c ſeq.*

* Notwithſtanding that the Commons ſent the Scotch commiſſioners word, that if they would diſpenſe with his majeſty's journey for fourteen days, they would petition his majeſty to ſend a commiſſioner for the diſpatch of their affairs; and if they would condeſcend to this requeſt, in reſpect of the great and urgent occaſions of the kingdom of England, they would take it as a great argument of their affection. *Journals of the Commons*, vol. II. p. 245.

† The parliament ſolicited the King to appoint, before his departure, the earl of Saliſbury to the office of lord-treaſurer, and the lord Pembroke to the office of high-ſteward, in the room of the earl of Arundel, who left the kingdom with Mary de Medicis, the queen-mother.

‡ Acts paſſed before the King's journey to Scotland.

1. An act for the preventing inconveniencies happening by the long intermiſſion of parliament.

2. An act for the relief of his majeſty's army, and the northern parts of this kingdom.

3. An act for the reforming ſome things miſtaken in the late act for the granting four ſubſidies, entitled, An act for the relief of his majeſty's army, &c.

4. An act for the farther relief of his majeſty's army, and the northern parts of this kingdom.

5. An act for the better raiſing and levying mariners for the preſent guarding the ſeas, and neceſſary defence of the realm.

6. An act concerning the limitation and abbreviation of Michaelmas Term.

7. An act to prevent inconveniencies by the untimely adjournment of parliaments.

8. A ſubſidy granted to the King, of tonnage and poundage, &c.

9. An act for the ſpeedy proviſion of money for diſbanding the armies, &c.

10. An act for the regulating of the privy-council, and the taking away the court commonly called the Star-chamber.

11. A repeal of the branch of a ſtatute *primo Elizabethæ*, concerning commiſſioners for cauſes eccleſiaſtical.

12. A ſubſidy granted to the King, of tonnage and poundage.

13. An act for the ſecuring of ſuch monies as ſhall be due to the inhabitants of the county of York, and other adjoining counties wherein his majeſty's army is or hath been billeted, &c.

14. An act for the declaring unlawful and void the late proceedings touching ſhip-money, and for the vacating all records and proceſſes concerning the ſame.

15. An act againſt divers encroachments and oppreſſions in the ſtannary-courts.

16. An act for the certainty of foreſts, and of the metes, meers, limits, and bounds of the foreſts.

17. An act for the pacification between England and Scotland.

18. An act for the ſecuring, by public faith, the remainder of the friendly aſſiſtance and relief promiſed to our brethren of Scotland.

19. An act for the better ordering and regulating the office of clerk of the market, allowed and confirmed by this ſtatute, and for the reformation of falſe weights and meaſures.

20. An

Ann. 1641.

Ann. 1641. Hertford, the earls of Manchester, Lindsey, Essex, Bath,

20. An act for the prevention of vexatious proceedings touching the order of knighthood.

21. An act for the free bringing-in of gunpowder and salt-petre from foreign parts, and for the free making of gunpowder within this realm.

The Stannary-court exercised its jurisdiction over miners; but, by the abuse and encroachments of power, it extended itself in a manner that oppressed all the inhabitants of Cornwall and Devonshire, and, like all the other arbitrary courts, had set the common law at defiance, and disobeyed both prohibitions and Habeas Corpus's from the King's Bench. The Marshal's court is not expresly mentioned in any statute; but it sunk with the rest of those pestilential monsters which disfigured the beauty and tainted the health of the constitution. Clarendon tells us, that it was the offspring of this fruitful reign, of no longer date than the year 1633; that it took cognizance of offensive words; and such had been the extravagance of its proceedings since the dissolution of the last parliament, that more damages had been given in two days, by the sole judgment of the earl marshal, than had been given by all the juries in all the courts in Westminster-hall in the whole term, and the days for trial after it was ended. Clarendon farther tells us, that, on the first entrance into this inquisition, an end was put to this upstart court; and that such was the effect which the authority of the parliament had on the proudest natures, that himself, who had taken the lead in this affair, was accosted by the lord Arundel, the earl-marshal, with great courtesy, who thanked him for having treated his person so civilly, when upon so just reason he had found fault with his actions.—It would be difficult to reconcile Clarendon's pleadings against the judges, and the opinion he gave of the Marshal's court and the Council of York, with the panegyric he makes of Charles's government in his History of the Civil Wars.

There was an attempt made to correct the shameful abuse of the privilege of distributing honours. The King was petitioned that titles of honour should not be bought and sold, but be the reward of virtue and merit. It was resolved in the upper house, to consult with the Commons on a bill for preventing a future abuse of this privilege.——The profusion with which this species of royal favour has been lavished in latter times, and yet continues to be lavished, is become an object very interesting to the whole commonalty, and particularly to the gentry, of this

and Dorset *, and appointed the earl of Essex lieute- Ann. 1641.
nant-general, with a power to raise what forces should be found necessary †.

A REVIEW of the transactions of this parliament, during the first period of their operations, must fill

this kingdom; who being no way distinguished by any political privileges from the lowest classes of the people, if they do not exert themselves in a regular constitutional manner, by proper remonstrances to the higher powers against this growing evil, will, in a short period of time, find themselves in a more ignominious situation than ever their ancestors were in the most servile periods of slavery, even in a worse state than are the gentry of any country in Europe, not excepting those who live under governments whose barbarous despotism is a disgrace to humanity and civilization.

The peers who petitioned for a parliament received the thanks of both houses; the petition was recorded in the Journal of the Lords House, and ordered to be esteemed an act of that house. Before the King proceeded on his journey, it was declared and voted, *nemine contradicente*, by the Lords, that their certain and undoubted right was to chuse their speaker, who was not to depart when the house sat, without leave of the house. *Statutes at Large*, vol. II. p. 1105, *& seq. Life of Clarendon*, vol. I. p. 76, *& seq. MSS. Journal of the Lords. Rushworth*, vol. IV. p. 211. *Nalson*, vol. II. p. 438.

* The bills which these commissioners had authority to pass were, The act of treaty; any bill for raising money, as there should be occasion for raising of forces for service at sea and land, and to resist foreign invasions, and seditions at home; any bill for tonnage and poundage, or other duties upon the exportation or importation of commodities; for the preservation of salt-petre mines, and making of gunpowder for the defence of the kingdom; a power to pass the bill concerning the eight subsidies for the clergy. *Parl. Hist.* vol. IX. p. 469, *& seq.*

† By the desire of both houses, the earl of Essex had been appointed lord-lieutenant of Yorkshire, in the room of the lord Saville, who resigned.

Ann. 1641. every mind, untainted by ſervile prejudices, with the higheſt ſentiments of gratitude and veneration. The free conſtitution of England, which, from the ignorance of former ages, and the wicked policy of Kings, had admitted of ſo many arbitrary principles that it was become a monſter void of ſymmetry, was now reduced to a ſyſtem of government conſiſtent and uniform, ſupporting itſelf by the pillars of law and equity. Every arbitrary court of judicature was aboliſhed; the authority of the clerk of the market, who had a general inſpection over weights and meaſures, and by whoſe power the people had undergone many hardſhips, vexations, and extortions, was transferred to the mayors, ſheriffs, and other legal magiſtrates; the limits of the foreſts were reſtrained within their ancient bounds; the crown entirely deprived of the means of impoſing the expenſive honour of knighthood *; and as no court of juſtice remained but thoſe which took cognizance of common and ſtatute law, the King's power of iſſuing proclamations and extorting money from the ſubject was entirely cut off, becauſe every man might diſobey thoſe arbitrary edicts

* The old Gothic cuſtom of trial by battle was entirely aboliſhed by this parliament. The houſe of Commons having received complaint, that the office of ſheriff was attended with exceſſive expence, by reaſon of preſents and entertainments given to the judges, with large fees to their ſervants; and the like complaint being made by counties, cities, corporations, and boroughs, that whenever the King paſſed they were obliged to pay large ſums to his officers, as pretended fees and duties; it was ordered, that no ſuch preſents, entertainments, gifts, or pretended fees, ſhould be demanded, given, or paid; and if any perſon ſhould do contrary to the ſaid order, they ſhould be eſteemed by the houſe as giving examples inconvenient to the public.

with

with impunity. Paſt grievances were not only re- Ann. 1641.
dreſſed, but the exemplary puniſhments of ſtate delinquents *, with the act for triennial parliaments, were now bulwarks to defend the conſtitution againſt the attacks of power. Many of theſe advantages, eſcaping the corruption of time, and the confuſion of civil broils, are yet enjoyed by the inhabitants of this iſland, and ought to raiſe in the heart of every Engliſhman a grateful monument of praiſe to thoſe renowned patriots who procured ſuch invaluable bleſſings to poſterity †.

* A few weeks after Strafford's execution, the houſe of Commons, with more generoſity than prudence, paſſed a bill for reſtoring his honours and titles to his children. This ſtricture may be looked on as ſevere; but it is not for the advantage of a ſtate that a man's family ſhould be benefited by his public vices, neither is it compatible with the laws of equity that they ſhould be ſufferers for them: therefore, if the parliament had preſerved a juſt medium, they would have reinſtated the earl of Strafford's children in the honour and fortune he was poſſeſſed of before he entered into the ſervice of the court, but deprived them of the enjoyment of the wages of iniquity. This opinion, conſiſtent with the laws of juſtice and ſound policy, is to be taken generally; nor can it be ſuppoſed a reflection on the deſcendants of the earl of Strafford, ſince poſterity is not anſwerable for the crimes of their anceſtors. The greateſt patriot, and moſt virtuous citizen, may ſpring from the loins of the moſt corrupt member of ſociety.

† Among thoſe heroic exertions in the cauſe of Liberty which ſignalize this houſe of Commons, it muſt be owned that the particular urgency of circumſtances occaſioned them to lay ſome very arbitrary reſtraints on the preſs. It was ordered, that all ſtationers and printers ſhould take the name of every perſon who brought any thing to them to be printed, ſold, or publiſhed, that they might, under pain of incurring the ſame penalty as the author, be ready to give account as they ſhould be required. It is remarkable, that the printers themſelves preferred a bill for regulating their trade, and that there ſhould be no

CHAP. II.

The leaders of the popular party attempt to wreſt from the King the power over the militia.——Engliſh and Scotch armies diſbanded.——Committee of parliament ſent into Scotland.——Tranſactions in that kingdom.——Affairs of Ireland.——Iriſh inſurrection, and maſſacre of the Proteſtants.——Conduct of the Engliſh parliament on that buſineſs.——The King returns to England.——His public entrance into the capital.——He deprives the parliament of their guard.——Their petition, and remonſtrance of the ſtate of the kingdom.——Tumults.——Proteſtation of the biſhops.

Ann. 1641.

THE free conſtitution of England, thus vindicated from the uſurping pretenſions of the crown and the mitre, promiſed fair to arrive at that ſtate of perfection which allows an equal proportion of freedom to the ſubject and the ſovereign. Notwithſtanding this favourable appearance, Liberty, though largely enjoyed, was not firmly eſtabliſhed: the body of the nobility had never acted on any extenſive view of public utility; their oppoſition had been ſolely founded on private pique and perſonal jealouſy; they had rather diſtaſted the miniſters of the late oppreſſive meaſures, than entertained any noble reſentment at the oppreſſion itſelf. Since Laud and Strafford, thoſe two envied objects, were removed, the ſelfiſh prejudices incident to their ſtation inclined them to combat the progreſs of a reformation which apparently tended to

books printed without licence. *Journals of the Commons*, vol. II. p. 220. *Ruſhworth*, vol. IV. p. 357.

eſtabliſh

eſtabliſh a juſt equality of political privileges amongſt all men. Ann. 1641.

THE attempts of the crown to debauch ſeveral members of the lower houſe from the ſound principles of Liberty had ſucceeded but too well. Theſe, according to the nature of oppoſition, from moderate opponents had become inveterate enemies; and the repeated mortifications they received from the prevailing party in parliament, inclined them to run into the oppoſite extreme of their pretenſions. The Commons were better acquainted with the temper of the King than to ſuppoſe he would remain quiet under the preſent diminution of royal power; they knew he had already attached to himſelf a ſtrong party of malcontents, beſides the body of Roman Catholics. In theſe circumſtances, it was neceſſary to the ſafety of the public, that the militia and forts of the kingdom ſhould be veſted in proper hands. The firſt ſteps made in this attempt were the ten propoſitions offered by the Commons, and aſſented to by the Lords *. Of theſe they were ſo tenacious, that not meeting with a ready compliance, ſtanding committees were appointed to confer from time to time on a method of reducing them to effect in ſpite of royal oppoſition.

* Sir Arthur Haſlerig, a popular leader of great ſpirit, introduced a bill for the ſettling the land and ſea forces in ſuch hands as ſhould be nominated by the lower houſe. He was ſtrongly ſeconded by Mr. St. John, who declared, that ſuch power over the militia as might be neceſſary for the ſecurity of the kingdom, was not yet by law veſted in any perſon, not even in the crown. *Clarendon's Hiſt.* vol. I. p. 217, *& ſeq.*

CHARLES,

Ann. 1641. CHARLES, having ſucceeded ſo far in the plan of his expedition as to overtake both armies before they were diſbanded, applied himſelf with the utmoſt aſſiduity to gain them to his intereſt. Henderſon, the popular covenanting preacher, was appointed his chaplain, and the great officers of the Scotch army were treated with high marks of favour and diſtinction *; together with this ſuſpicious circumſtance, that the earl of Eſſex received intelligence from the earl of Holland, that attempts were made to corrupt the Engliſh troops. The parliament took the alarm; an order paſſed both houſes for diſarming all the Papiſts in England. The vaults under the parliament-houſe were ſearched; and the Lords were deſired by the Commons to declare, that all privileges ſhould be void, in caſe of the convicting or diſarming of recuſants. The Scotch commiſſioners were moved to provide for the ſpeedy march of the Scotch army, who were forbid to paſs through Berwick but in ſmall numbers. Directions were given to the earl of Holland to diſband both horſe and foot immediately, and that no munition or artillery of the King's at Hull ſhould be removed, but by order of parliament. A ſmall committee of both houſes † was ſent into Scotland to keep up a good correſpondence between the

Clarendon's Hiſt. vol. I. p. 230. Parl. Hiſt. vol. IX. p. 488.

Engliſh and Scotch armies diſbanded.

Nalſon, vol. II. p. 451, & ſeq.

Committee of parliament ſent into Scotland.

* It is ſaid, that four northern counties, with the plunder of London, were offered to the Scotch army, if they would engage to interrupt the proceedings of the Engliſh parliament. *Ludlow's Memoirs*, fol. ed. 1751. p. 6. *Myſtery of Iniquity*, a tract, publiſhed in 1643, p. 22.

† The lord Howard, Sir Philip Stapleton, Sir William Armyn, Nathaniel Fiennes, John Hampden.

parliaments

parliaments of each kingdom, to inform themſelves of the inclinations of that people, and to watch the King's actions. According to previous agreement, the ordnance and ammunition of the Scots were conveyed to the Tower of London, and a very complaiſant letter, in the name of both houſes, written to the earl of Holland, ſignifying an entire approbation of his conduct and care for the public good. Ann. 1641.

THE impreſſion which the King had made on the Scotch and Engliſh armies was followed with no other effect than perſonal civility. He had the mortification alſo to find, on his arrival at Edinburgh, that the parliament had choſen the lord Balmerino for its preſident; that they would not ſuffer any member to ſit among them but thoſe who had ſigned the covenant; and that Montroſe and his party had ſo over-rated their ſtrength, that it was with difficulty he could prevent their incurring the puniſhment which their factious cabals had merited *. He was determined, however, to give full ſatisfaction, and deprive, if poſſible, his oppoſers in England of the ſupport of the Scots. Every condition of the treaty of peace was confirmed by parliament. The lords of the articles, that effectual bar to the freedom of thoſe aſſemblies, were ſet aſide. To prevent the ill conſequences of that practice which Charles and James had exerciſed, of giving Scotch titles to Engliſhmen, and diſpoſing

Tranſactions in Scotland.

Burnet's Lives of the Hamiltons. Guthry's Memoirs.

* Clarendon ſays, that the King obtained the parliament's pardon for his own party, on condition that they came not near his preſence, nor received any benefit from him, without their approbation. *Clarendon's Hiſt.* vol. I. p. 244.

of

Ann. 1641. of their proxies, a law was enacted, that no man ſhould be capable of a Scotch peerage who did not poſſeſs upwards of five hundred pounds annual rent in the kingdom. A law for triennial parliaments was paſſed, with an ordinance, that the laſt act of every parliament ſhould be to appoint the time and place for holding the enſuing one. The King was deprived of a power, formerly enjoyed, of enforcing obedience to proclamations, under the penalty of treaſon *. Theſe were all ſalutary acts; but the following was the crowning one, which gave entire liberty to the Scots, viz. that no member of the privy-council, no officer of ſtate, none of the judges, ſhould be appointed, but by advice and approbation of parliament; and all the officers of ſtate were to hold their places *quamdiu ſe bene geſſerint*. Four of the preſent judges, who had been active on the ſide of prerogative, were diſplaced; ſeveral of the head covenanters were ſworn of the privy-council; Loudon was made chancellor; and the office of treaſurer was diſcharged by a committee of four, viz. Argyll, Glencairn, Lothian, and Lindſay. With theſe eſſential gratifications, the leſſer graces were not omitted: Argyll was created a marquis; Loudon, Leſley, and Lindſey, earls; Andrew Murray, lord Belvaird, and the lairds of Dudo and Arbuthnot, viſcounts; the marquis of Hamilton, now become popular, was gratified with the title of duke. Many of the prime covenanters obtained penſions.

* It is ſurprizing the Scots ſhould ever fancy themſelves a free people whilſt they permitted their prince to enjoy a prerogative which, in a manner, inveſted him with the whole legiſlative authority.

Charles

Charles conformed himſelf entirely to the eſtabliſhed Ann. 1641.
church, and church preferments were beſtowed upon Henderſon, and other popular preachers. The profeſſors in the univerſities had their proviſions augmented out of the epiſcopal revenues, and the parliament ordained a commiſſion with powers to enlarge the ſtipends of the reſt of the miniſtry. A judicature was eſtabliſhed by the parliament to order all things concerning the peace of the land, and the preſerving a perfect amity with England. A committee was alſo nominated to try Montroſe and the reſt of the royaliſts: it was with great difficulty that the King could preſerve their lives, by obtaining their cenſure to be remitted to himſelf. Such were the conceſſions neceſſary to quiet the Scots, and ſuch the fruits of a journey ſtiffly inſiſted on by the King *; whoſe hopes of meeting with a number of partiſans were entirely defeated by the ſudden death of the earl of Rothes, and the temerity and implacable envy of Montroſe, who

* The vaſt conceſſions the King was obliged to make to the Scots, by exciting a jealouſy, encreaſed that deſire for Liberty which already ſtrongly reigned in the Engliſh; this nation diſdaining to have been at ſuch trouble and expence for the Scots to reap advantages ſuperior to themſelves. What were the King's expectations on theſe conceſſions, Clarendon, his great counſellor, informs us: "It is not to be doubted, ſays he, but, in conſideration of theſe extravagant conceſſions, the Scots made as extravagant promiſes: that by their loyal and dutiful comportment, his majeſty ſhould find no diminution of his power; that he ſhould have the entire obedience of that nation to preſerve his full rights and regalities in England, and to reduce Ireland; the earl of Leven telling him, that he would not only never more ſerve againſt him, but that whenever his majeſty ſhould require his ſervice he ſhould have it, without aſking what the cauſe was." *Clarendon's Hiſt.* vol. I. p. 244, *& ſeq.*

Ann. 1641. purſued the duke of Hamilton, and his brother the earl of Lanerick, with ſuch inveterate malice, that they found themſelves under a neceſſity to join with Argyll, and the reſt of the covenanters.

Clarendon's Hiſt. of the Civil Wars, vol. I. p. 236.

MONTROSE had the villany to ſuggeſt to the King, that it would be for his intereſt to procure the murder of Argyll and the two brothers; and offered himſelf for the ſervice. Intelligence of this black propoſition having got abroad, Hamilton, Lanerick, and Argyll withdrew themſelves to their houſes, and prepared for a defence, declaring publicly that they knew there was a ſcheme on foot to aſſaſſinate them. Great was the conſternation which this incident occaſioned in the parliament, and the city of Edinburgh. In England it was looked on as an attempt to break the pacification; and that ſuch a deſign would not have been undertaken without the aſſurance of a ſtrong party to abet it *. Sir John Berkeley and O'Neile, two general officers, who had been deeply engaged in the plot againſt the parliament, were put under arreſt. Strong guards were placed in the cities of London and Weſtminſter, and letters of caution ſent to all officers civil and military. The committee of both houſes attending the King in Scotland were ordered to acquaint him, that the Engliſh parliament held it

Journals of Commons, vol. II. p. 290, 293.

* In the depoſition taken on this occaſion it appeared, that the earl of Crawford, the lord Amond, and colonel Cockrain, were concerned in this affair. Captain Steward depoſed, that there was a great faction of noblemen and others at Edinburgh, who were able to ſuppreſs the marquis of Hamilton, the earl of Argyll, and their party. *Ruſhworth*, vol. IV. p. 421.

a matter

a matter of great importance, that the religion, liberty, and peace of Scotland ſhould be preſerved; and that they were reſolved to employ their power and authority for ſuppreſſing all ſuch as, by any conſpiracy, practice, or other attempts, ſhould endeavour to diſturb the peace of Scotland, and to infringe the treaty made between the two kingdoms: farther the committee was ordered to inform the King, that whereas five companies out of the garriſons of Berwick and Carliſle were by his order ſtayed from diſbanding, the Commons now aſſembled in parliament did declare, that they intended to be at no farther charge for the longer ſtay and entertainment of thoſe men, nor for the demurrage of the ſix ſhips ſent for the tranſporting of his majeſty's munition, ordnance, and other proviſions, if, by the occaſion of the aforeſaid order, they were kept out longer than had been agreed on. Ann. 1641.

THESE were not the only tranſactions which paſſed during the King's abſence. On the eve of an adjournment, when many of the members were out of town, ſome of the zealous Preſbyterians made a motion concerning alterations in the Book of Common-Prayer: this occaſioned a very hot debate, where the no-leſs-zealous Mr. Hyde, and other bigoted churchmen, defended the liturgy with ſuch pertinacious warmth, that they at length obtained the victory, and the motion was laid aſide. The Lords, without waiting for the determination of the Commons, voted, that an order of theirs, made January 1640, which appointed a rigid obſervance of divine ſervice, as regulated by

Ann. 1641. former acts of parliament, ſhould be rigidly obſerved*. The Commons, on their ſide, publiſhed an order againſt innovations; for the ſtrict obſervation of Sunday; and that all corporal bowing at the name of Jeſus ſhould be forborn †. This occaſioned a diſpute which renewed the attack on the biſhops, as the authors of diſſentions between the two houſes ‡. The

* Of twenty-one lords who voted on this occaſion there were nine diſſenting votes. Six peers, viz. Bedford, Warwick, Clare, Newport, Wharton, and Kimbolton, entered a proteſt againſt publiſhing the order.

† An order was made for afternoon ſermons in all parochial churches. Pariſhes had leave to employ a lecturer at their own charge; and the oath of canonical obedience was laid aſide: in the order againſt innovations, bowing at the name of Jeſus was forbid. Sid Edward Deering made a very warm enthuſiaſtic ſpeech on this occaſion; he advanced ſome ſtrong reaſons againſt the validity of the order, as it was not in the regular way of bill, and contained an arbitrary impoſition on the inclinations of men; but laid an abſurd ſtreſs on the corporal bowing at the name of Jeſus, as if this frivolous ceremony was a neceſſary part of worſhip. *Nalſon*, vol. II. p. 610, *& ſeq.*

‡ A bill for aboliſhing epiſcopacy, called, "The Root and Branch Bill," was at this time warmly debated in the houſe. Sir Edward Deering, Sir Henry Vane, Sir Benjamin Rudyard, Mr. Waller, and Mr. Thomas, were the chief ſpeakers on this occaſion: Sir Edward Deering, Sir Benjamin Rudyard, and Mr. Waller, were for moderating the power and riches of biſhops, cutting off what they called the corrupt adjuncts of epiſcopacy, and reducing it to its primitive ſimplicity. Mr. Waller advanced a very ſelfiſh argument to ſupport his opinion; viz. that if the people prevailed for an equality in things eccleſiaſtical, the *lex agraria* might be the next thing inſiſted on. The ſpeech of Mr. Thomas was tedious and ſcurrilous: he having endeavoured to ſhew, that the great power of the church had been as fatal to monarchs as it was repugnant to civil liberty, he gave a detail of the oppoſitions which the crown had met with from former prelates: and very abſurdly confounded their ſpirited endeavours to reſtrain the growing power of the crown,

Commons had appointed a committee of forty-three, Ann. 1641. and the Lords a committee of ſeven, to take care of affairs of importance during their adjournment *, which was to continue from the ninth of September to the twentieth of October †.

crown, with the mean ambition and intrigues of the preſent hierarchy. On the ſubject of this debate, Sir Simon D'Ewes informed the houſe, that in the ancient manuſcript copy of the Greek Bible in the King's library, Timothy and Titus are addreſſed by their plain names, without other diſtinction; from which he inferred, that the ſtyling Timothy and Titus biſhops were ſpurious additions. The houſe proceeded ſo far as to paſs an order, that all biſhops, deans and chapters, and prebends, ſhould be reſpectively prohibited to cut down any timber trees growing upon any lands belonging to any biſhop, dean and chapter, or prebend, until farther order ſhould be taken therein. *Journals of the Commons*, vol. II. p. 214.

* The powers which the Lords gave their committee were, to open the letters which ſhould come from the committee in Scotland; to return anſwers; with power to recall that committee; to ſend down money to the army, and to aſſiſt in their diſbanding, and in removing the magazines from Berwick and Carliſle. The Commons gave their committee more enlarged powers; viz. To publiſh the declarations of the houſe concerning innovations; to go on in preparation of proceedings againſt delinquents; to receive any offers of diſcovery they ſhould make; to ſend to all ſheriffs and juſtices of the peace upon information of any riots or tumults, to ſtir them up in their duty in repreſſing them; to take the account of any accountants to the King, in order to the preparation of the royal revenue; to conſider the fiſhing upon the coaſts of England, Scotland, and Ireland; to conſider of framing and conſtituting a Weſt-India company. This committee had other things in charge concerning the exchange beyond ſea, and concerning Iriſh petitions. *Parl. Hiſt.* vol. X. p. 1, *& ſeq.*

† The plague, which had more or leſs viſited this country ever ſince the King's acceſſion to the throne, raged at this time exceedingly. The following were ſome of the orders that paſſed both houſes on the occaſion of this calamity; viz. That the bill, "Lord have mercy upon us," with

Ann. 1641. NOTHING very material happened during this receſs, except the conſpiracy in Scotland. Mr. Pym, chairman of the committee, having made a report to the houſe touching this buſineſs, a conference enſued, and both houſes recommended to the earl of Eſſex to guard the parliament. They then proceeded to thoſe meaſures which have been before related, and a committee was appointed to prepare heads for a petition to prevent the miſchiefs that might happen to the commonwealth by the choice and employment of evil counſellors, ambaſſadors, and other miniſters of ſtate *. A meſſage to the following purport was ſent from both houſes to the marquis of Hertford †: That he ſhould take the prince into his eſpecial charge, and ſee that he made his abode and reſidence at his own houſe at Richmond; and that he ſhould place ſuch perſons about him as ſhould be anſwerable to parliament ‡.

Journals of Commons, vol. II. p. 297.

with a large red croſs, be ſet upon the door of every houſe infected with the plague; that all the ſtuff in the houſe where any had been viſited with the plague, be well aired before they be diſcharged or the houſe open; the houſe viſited with the plague to be ſhut up, whether any perſon therein do die or not, &c. *Nalſon*, vol. II. p. 478.

* All committees on private buſineſs were for ſome time ſtopped, both on account of the contagion, and on the exigencies of public affairs.

† Lately appointed governor to the prince, in the place of the earl of Newcaſtle.

‡ The reaſons that the parliament ſent to the queen for their directions to the earl of Hertford were as follows: That the prince loſt much opportunity in improving himſelf in his ſtudies by being at Oatlands; that though the parliament did not think her majeſty would intimate any thing to him concerning her religion, yet there were many about her who might prepare him with impreſſions that might remain for many

THE leaders of the popular party were now determined to puſh the excluſion of biſhops from parliamentary juriſdiction: a bill for diſabling all perſons in holy orders to exerciſe any temporal juriſdiction and authority, paſſed the lower houſe with very little oppoſition. Mr. Pym and Mr. St. John, who were appointed to manage a conference with the Lords on this ſubject, ſeconded the demands of the Commons with very ſtrong arguments *, and petitions continued to pour in from all counties againſt the hierarchy †. Whilſt the extinction of the order of biſhops was under conſideration, the King filled up five vacant ſees ‡: this was regarded as an inſult both on the lower

Ann. 1641.

Parl. Hiſt. vol. X. p. 8.

many years; that it was not the intentions of parliament that the prince ſhould entirely abſent himſelf from her majeſty, but that his place of reſidence might be at Richmond, for otherwiſe his governor could not take that charge over him as was required by the parliament, nor be anſwerable for ſuch ſervants as were about him. *Nalſon*, vol II. p. 596, *& ſeq.*

* One of the demands of the Commons, on ſending up the bill of excluſion, was, that the biſhops, being all of them parties, ſhould not have a vote in this queſtion.

† The Commons, in the midſt of the hurry of theſe important affairs, did not neglect leſſer grievances. On a complaint of the growing evil of debtors obtaining protection from members of parliament, Mr. Benſon, a Yorkſhire member, a notorious protection-ſeller, was ſent for as a delinquent, and voted unworthy to ſit in parliament. Some time after this, a bill for waving the privileges of parliament during the preſent ſeſſion, paſſed the Commons, and was earneſtly recommended by them to the Lords. *Nalſon*, vol. II. p. 595, *& ſeq. Parl. Hiſt.* vol. X. p. 50.

‡ Worceſter, Lincoln, Exeter, Briſtol, and Chicheſter. *Parl. Hiſt.* vol. X. p. 146.

houſe

Ann. 1641. houſe and on the public *, who had warmly and generally ſeconded every meaſure their repreſentatives had taken to aboliſh epiſcopal government. The precarious ſtate of the church had engaged the attention of all men; but they were now diverted from this object by an unexpected alarm of the moſt intereſting nature.

Affairs of Ireland.

To ſecure the dominion of Ireland to the Britiſh crown, thoſe lands which had been forfeited by rebellion, and others fraudulently and forcibly obtained from the inhabitants, were conferred on Britiſh planters, who, allured by gain, had gone over in large colonies to ſettle in that barbarous country. The old Iriſh held their property by a whimſical tenure, called Taniſtry. Individuals had no hereditary right: a whole ſept, or clan, had a title to a whole territory; theſe uſed to chuſe the chieftain †, who took upon him the title of King, or Lord: he, thus elected, had the ſeigniory of all the lands within his territory, with a power to make an arbitrary diſtribution to his vaſſals ‡,

Carte's Life of Ormond, vol. I. p. 155. Temple's Hiſt. of the Iriſh Rebellion, 8vo ed. 1746, p. 14, & ſeq.

* The Commons went ſo far as to determine, that a committee ſhould be appointed to draw up reaſons to give the Lords to concur with them in petitioning the King to make no new biſhops, till the controverſy ſhould be ended concerning the government of the church. *Clar. Hiſt.* vol. I. p. 240.

† Theſe elections were generally obtained by force and violence.

‡ He might make new diſtributions as often as he pleaſed; nor were theſe tenants in villainage more ſecure in the poſſeſſion of their goods and chattels, or even of their wives, than of their lands; theſe being all liable to be taken away at the pleaſure of the lord. *Carte's Life of Ormond*, vol. I. p. 13.

who

who were all tenants in villainage, and were neither qualified to be ſworn on juries, or to perform any public ſervice. The chieftain himſelf held the ſeignory but for life †, and each new lord had the power to make a new diſtribution according to his pleaſure. Thus, neither the deſcendants of the chieftains or vaſſals had a right to particular lands; but, as the lord was always choſen out of the principal branches of the ſept, the immediate deſcendants of the old chieftains fancied they had a right to theſe ſeignories, and fondly imagined, if they could throw off their dependance on the ſtate of England, matters would be adjuſted to their ſatisfaction. As, from the uncertainty of the eſtates of the old Iriſh, they neglected to build, or improve their lands, and were in a manner diſunited from the government, by an immediate and abſolute dependance on their chiefs, who governed them in an arbitrary manner, inflicting on them what puniſhments they pleaſed, in the reign of James and Charles it was the particular care of the lieutenants and governors of that country to obtain ſurrenders, and re-grant them on Engliſh tenures †. Sir Arthur

Ann. 1641.

Carte, vol. I. p. 13.

* The eſtates that were held by the chieftains were annexed to the ſeignory, and did not deſcend by inheritance. *Carte's Life of Ormond*, vol. I. p. 13.

† The civilizing or governing of Ireland was ſo little attended to by the predeceſſors of the Stewart family, that all kind of intercourſe between the natives and the Engliſh was by law forbidden, leſt the Engliſh ſhould degenerate into Iriſh manners. On ſubdued rebellions the Iriſh were re-granted their lands on their own barbarous tenures; and that country having been chiefly conquered by private adventurers of the Engliſh nation, theſe were permitted to eſtabliſh ſeparate juriſdictions and principalities.

Ann. 1641. Chicheſter, lieutenant of Ireland in king James's time, coming into his government with the advantage of a ſubdued rebellion, went great lengths towards the entire deſtruction of the Iriſh lordſhips. The cuſtoms of Taniſtry and the Brehon law * were in all their branches aboliſhed; he offered the protection of the Engliſh laws to all the natives; ſent judges into every county of Ireland; appointed ſheriffs; prohibited the chieftains from tyrannizing over their tenants; and directed theſe, if they met with oppreſſion, to complain to the miniſters of juſtice. Steps were daily taken by the government to ſecure the property, as well as protect the perſons, of theſe barbarians; yet ſuch was their ignorance, that they diſdained theſe unexperienced bleſſings, and envied the poſſeſſions of the Britiſh, whom they looked on as robbers and invaders; notwithſtanding that the inſtructions they had received in tillage, buildings, manufactures, and other civilized arts, was a large return for their uncultivated lands. It was not only thoſe who aſpired to ſeignories that kept up a ſpirit of diſcontent among the wild Iriſh, but the prieſts, who, though, during the reigns of James and Charles, they had been indulged with a connivance amounting to a toleration †, yet, as

* By the Brehon law, no crime, however enormous, was puniſhed by death. Murder itſelf was atoned for by a pecuniary mulct, and each man, according to his rank, had a different rate affixed to him. *Hume's Hiſt. of James I.* p. 43.

† Papiſts were not only in a manner tolerated, but many of them were admitted to lucrative employments in the ſtate and army, were indulged with the more ſubſtantial advantages of purchaſing and inheriting lands, of ſitting as jurors on the determination of life and property, of voting for repreſentatives in parliament, and even having ſeats

they were deprived of their eccleſiaſtical revenues, Ann. 1641.
they took effectual means to communicate their diſpleaſure, and prevent any cordial reconciliation between the old and new inhabitants. The ſucceſſive adminiſtrations of Chicheſter, Grandiſon, and Falkland, though attended with ſome circumſtances arbitrary and unjuſt, had been upon the whole very advantageous to the native Iriſh, and the favourable inclination of the Stewart family to the principles of the Roman-Catholic faith had occaſioned them uncommon indulgences in the article of religion; yet ſuch was the power, and ſuch the intriguing ſpirit, of the prieſts, that in the ſhort ſpace between the years 1603 and 1615, three different conſpiracies were raiſed againſt the Engliſh government *. Borlace, p. 15, & ſeq.

ſeats in both houſes themſelves. They practiſed at the bar, they were promoted in the law, they obtained peerages, and almoſt every indulgence in common with the Proteſtant ſubject. Clarendon gives the following teſtimony of the indulgence with which they were treated. "It cannot be denied, that the whole nation enjoyed an undiſturbed exerciſe of their religion. Even in Dublin, where the ſeat of the king's chief governor was, they went as publicly and uninterruptedly to their devotions as he went to his. The biſhops, prieſts, and all degrees and orders of ſecular and regular clergy, were known to exerciſe their functions among them; and though there were ſome laws againſt them ſtill in force, yet they were ſo rebated by the clemency of the King, that no man could ſay he had ſuffered prejudice or diſturbance in or for his religion." To ſuch a degree did royal indulgence extend to the Iriſh Papiſts, that the fifth of November was forbidden to be celebrated in that country, leſt it ſhould give them offence. *Borlace's Hiſt. of the Iriſh Inſurrection*, p. 17. *Temple's Hiſt. of the Iriſh Rebellion*, p. 24. *Fiction Unmaſked*, a tract publiſhed in 1752, p. 45. *Clarendon's Vindication of the Duke of Ormond*, 8vo ed. 1756, p. 8, *& ſeq.*

* In the year 1626, on the acceſſion of Charles to the throne, pope Urban VIII. ſent a bull directed to the Catholic ſubjects of Great Britain,

Ann. 1641. WHEN the earl of Strafford was entruſted with the adminiſtration of the affairs of Ireland, he, for the better accompliſhment of his purpoſe to eſtabliſh a tyranny, endeavoured to make a balance in parliament between the Proteſtants and Papiſts, that both parties, intent on thwarting each other, and thus diverted from the objects of their mutual intereſt, might become an eaſy prey. By his means the Recuſants were not only poſſeſſed of an equal ſhare of the legiſlative power, but were treated with much more mildneſs and diſtinction than the diſſenters. Notwithſtanding theſe advantages, ſo obvious grew his diabolical purpoſe, ſo tyrannical were the means he was neceſſitated to uſe, ſuch was the provoking inſolence of the man, that theſe very Papiſts on whom he ſeemed to have conferred obligations, theſe very Papiſts whom he judged the propereſt to be truſted with arms to ſcourge the Scots for their generous endeavours to maintain their Liberty, theſe very Papiſts for whoſe eaſe and emolument he had ſo heavily taxed the Proteſtants *, joined in the proſecution againſt him, and became the chief inſtruments of his death. The difficulties with which the King, by his ill conduct, was entangled, proved as advantageous to Iriſh as to Britiſh Liberty.

tain, exhorting them rather to loſe their lives than to take that noxious and unlawful oath of allegiance, by which the ſacred ſceptre of the univerſal church might be plucked out of the hands of the vicars of God. *Fiction Unmaſked*, p. 46.

* A round tax uſed to be gathered from the Papiſts, as a penalty for their not attending the public ſervice of the eſtabliſhed church. This Strafford more than made up to the King, by ſcrewing up the ſubſidies to an exorbitant ſum.

The

The Engliſh houſe of Commons, by the good correſpondence they maintained with the Iriſh committee, who were all of them Papiſts, ſhewed, that they looked on that privilege to be the common right of men of all perſuaſions, and that they took a brotherly concern in the intereſt of that conquered country. By means of this encouragement and protection, the Iriſh obtained advantages beyond their moſt ſanguine hopes: the liſt of grievances their committee had brought over were conſidered by the King and his privy-council, now compoſed of thoſe popular noblemen, Manchеſter, Eſſex, Warwick, Say, and other members of reſpectable characters: by their influence, the Iriſh obtained a favourable anſwer to almoſt all their demands *. Theſe were but the firſt-fruits of what

Ann. 1641.

Carte's Life of Ormond, vol. I. p. 140.

* Subſidies were to be aſſeſſed with moderation and equality; a free regreſs out of Ireland was granted; the rates of cuſtoms on goods were to be ſettled at five *per cent.*; the duty on French wines to be referred to the parliament; the extra-judicial proceedings of the council-board and Caſtle-chamber were to be prohibited for the preſent, and a future regulation made, according to what was done in England; all monopolies were to be cancelled; the High-commiſſion court ſuſpended; gunpowder was to be ſold by the ſubject in Ireland, at the ſame rate it was ſold in England; the reſtraint on hawking and hunting was to be forborne; the votes of the privy-counſellors to be free; the regulation of fees in the civil and eccleſiaſtical courts, and thoſe of the cuſtomhouſe officers, were to be determined by parliament; wool was to be tranſported into England without licence; wearing apparel and horſes, for the uſe of private perſons, were to be brought in and out cuſtom-free; the tenures of fairs and markets were to be determined upon a ſpecial verdict by the judges of the King's Bench; the aſſeſſing and billeting of ſoldiers to be reſtrained according to law; *quo warranto's* not to be ſued but upon juſt cauſes, otherwiſe reparation to be made by the King's officers to the party aggrieved; the power of provoſts-marſhal to be limited, and exerciſed only upon proclaimed

rebels,

Ann. 1641. might be expected from the favourable diſpoſition of public affairs, and the hearty concurrence of the Engliſh reformers in not only redreſſing all grievances, but in laying a firm eſtabliſhment for an exalted ſyſtem of Liberty.

Borlace, p. 6. WHEN Strafford was ſummoned to fight againſt the Scots, he left the government of Ireland, with the title of deputy, to his creature Wandesford, the maſter of the rolls. Wandesford, obſerving that the current ran ſtrong againſt his patron, prorogued the parliament: he attempted to ſtop their committee from repairing to England; but, on the interpoſition of the Engliſh houſe of Commons, was commanded to give way. On the proſecution of Strafford, Wandes-

rebels, or to bring in offenders to be anſwerable to the law; the proceedings of the court of Wards and Caſtle-chamber to be regulated according to the courſe of the Star-chamber and court of Wards in England. An act of parliament was to paſs, to limit the title of the clergy to forty years; all parties, who had been conſtrained by Strafford to give up impropriated tythes and lands to the church, were to commence ſuits for the recovery of their rights, without any interpoſition of authority. By the advice of the privy-council, all the graces, the eſtabliſhment of which had been heretofore promiſed, but ſhamefully eluded by Strafford, were to be confirmed by parliament: in theſe were concluded the limiting the title of the crown to ſixty years, and for ſecuring the eſtates of the inhabitants of Connaught, and the counties of Clare, Limerick, and Tipperary; conſequently the intended plantation was to be diſcharged, and by bill to be declared void. Votes of peers in parliament were reſtrained to thoſe poſſeſſed of a certain portion of lands in Ireland; a baron two hundred a-year, a viſcount four hundred, and an earl ſix hundred; this body of men were likewiſe to be indulged with an act, enforcing ſome trifling yet pleaſing regulations for ranking in parliament. *Carte's Life of Ormond*, vol. I. p. 140, *& ſq.*

ford

ford died of fear and vexation. Sir William Parſons, Ann. 1641.
maſter of the Wards, and Sir John Borlaſſe, maſter of the ordnance, men at this time very agreeable to the Iriſh committee, were inveſted with the government *, under the title of Lords Juſtices: they were united to the prevailing party in the Engliſh parliament, and ſtrongly abetted the popular intereſt in Ireland. They admitted the abatement of the ſubſidy from forty thouſand pounds to twelve thouſand; prohibited the handling of civil cauſes at the council-board; expedited the drawing of the bills obtained by the Iriſh committee; and gave all poſſible encouragement to the parliament in the work of legal reformation. The houſe of Commons in Ireland ſeem to have imbibed from the Engliſh a ſpirit utterly unknown to their rude and ſervile anceſtors †: they put twenty-four queries to the judges concerning the ſtate of law in Ireland; the judges not caring to condemn themſelves, and render their paſt conduct ſubject to an impeachment, gave very unſatisfactory anſwers: this produced twenty-one ſpirited declarations ‡.

* The King would have appointed Ormond, another creature of Strafford's, and eſpecially recommended by him, to the office of deputy; but the Iriſh committee would not give way to it, nor to the appointment of the lord Dillon, who had engrafted himſelf by marriage into the Wentworth family with the earl of Strafford's ſiſter, and had been active in ſome of the late illegal proceedings. *Carte's Life of Ormond*, p. 116. *Borlace*, p. 6.

† It has been already mentioned, that the Iriſh houſe of Commons impeached ſeveral of the great officers of ſtate: this was the firſt precedent of the kind in Ireland. *Vide Carte*, vol. I.

‡ The following are the declarations of the Iriſh parliament concerning the ſtate of law, and the conſtitution of Ireland.

I. The

Ann. 1641. THE univerſity at Dublin did not eſcape theſe diligent inquiſitions into grievances. Strafford, who had

I. The ſubjects of Ireland are a free people, and to be governed according to the common law of England, and ſtatutes eſtabliſhed in their own parliaments.

II. The judges in Ireland ought to take the oath eſtabliſhed in ſeveral parliaments, and ought not, under any pretext of direction from the King, to hinder or delay the ſuit of the ſubject, or judgment thereupon; and if any judge be found in default therein, he ought to undergo due puniſhment, according to former proviſions in parliament, or as ſhall be declared in parliament.

III. The council table is no judicatory, wherein any action or ſuit can be determined.

IV. Proceedings before the chief governor alone, in an action or ſuit, are *coram non judice*, and void.

V. All grants of monopolies are contrary to the law of the realm, and therefore void.

VI. The officers of ſtate ought not to impriſon the ſubject but in caſes where the common law of the realm and ſtatutes do enable; and ought not to fine or cenſure any ſubject in mutilation of members, ſtanding in the pillory, or other ſhameful puniſhment, in any caſe, at the council-table; every perſon reſtrained of their liberty, upon demand ſhall obtain a writ of Habeas Corpus, and upon the true cauſe of their detainer being certified, the courts of juſtice ſhall do what to juſtice ſhall appertain, either by delivering, bailing, or remanding the priſoner or priſoners.

VII. An act of ſtate or proclamation cannot bind the liberty of the ſubject, nor alter the common law; and the judges of the law, who do vote for ſuch acts of ſtate, are puniſhable as violators of their oaths as judges.

VIII. No ſubject ought to be ſentenced to death or executed by martial law; the authors and actors of any ſuch ſentence or execution are puniſhable by the law of the land for their ſo doing.

IX. No man ought to be puniſhed for taking a voluntary oath before arbitrators, for the affirmance or dis-affirmance of any thing in civil cauſes.

X. No

left the ſtain of imperious will in every department of government, innovated the ſettled regulations of Ann. 1641.

X. No man is bound, or ought to be compelled, to acknowledge an offence laid to his charge, or the juſtneſs of any cenſure paſſed againſt him; nor no ſuch forced confeſſion or acknowledgment ought to hinder him from his bill of reviſal, or view of ſentence or decree.

XI. Judges ought not to deny copies of indictments to the parties indicted.

XII. The raiſing the reſpite of homage ſince the year 1637 was arbitrary and againſt law; and the barons of the Exchequer ought not to diſtinguiſh between the reſpite of homage and the true values of knight's fees.

XIII. The ſubjects of this kingdom may lawfully repair into England, either for redreſs of grievances, or other their occaſions; eminent officers of ſtate, or commanders of the army, only excepted.

XIV. Deaneries are not *de mero jure* donative, but ſome are donative, ſome elective, and ſome collative; the confirmation of the biſhop's grant by a dean *de facto* having *ſtallum in choro, & vocem in capitulo*, together with the chapter, is good at law.

XV. The iſſuing *quo warranto's* againſt boroughs, to ſhew cauſe why they ſent burgeſſes to parliament, and all the proceedings thereupon, is illegal and void; the right of ſending burgeſſes to parliament being queſtionable in parliament only; and the occaſioners, procurers, and judges, in ſuch *quo warranto's* and proceedings, are puniſhable in parliament.

XVI. Jurors are the ſole judges of the matter of fact, and ought not, for giving their verdict, to be bound over to the Caſtle-chamber.

XVII. No man ought to be cenſured in the Caſtle-chamber in the mutilation of members, or other brand of infamy, or in other caſes than are expreſly limited by the ſtatutes of the realm in ſuch caſe provided.

XVIII. In the cenſures of the Star-chamber eſpecial regard ought to be had to the words of the Great Charter, viz. "*Salvo contenemento*," &c.

XIX. A felon who flies the courſe of juſtice is no traitor, nor a proclamation cannot make him one.

XX. The teſtimony of convicted or protected rebels and felons is no ſufficient evidence in law on a trial for life; and the credit of the teſ-

Ann. 1641. the univerſity of Dublin: Laud, for this purpoſe, was choſen chancellor: he drew up a body of ſtatutes on the ſame arbitrary plan as he had done thoſe of Oxford. The Iriſh houſe of Commons appointed a ſelect committee to examine the charters of the college, and ſtatutes in force: they excepted againſt many of them, paſſed a vote in condemnation of the government of the univerſity, authoriſed a committee to propoſe out of the old ſtatutes a new draught, and forbid the provoſt and fellows to make any elections, or to grant any leaſes until they had authority from parliament.

THUS was the ſtate of Liberty in Ireland attended with thoſe additional bleſſings, plenty, peace, and ſecurity. Trade and manufactories flouriſhed; taxes and contributions were now in a manner unknown to the happy ſubjects. Nature, admitting the improvements of art, adorned the fertile ſoil with a new face of beauty; whilſt the enjoyment of theſe benefits was heightened by the conſcious pleaſure that law had rendered them permanent. The old and new inhabitants, Proteſtants and Papiſts, were equal partakers of theſe advantages *, and linked together in the

timony of perſons accuſed or impeached, and not convicted, ought to be left to the jury.

XXI. The King grants lands to be held in free and common ſoccage, as of a caſtle or manor, by letters patent under the great ſeal; and by the ſame letters patent, or by other letters patent, grants a fair and market, reſerving a yearly rent, without expreſſing any tenure; as to the ſaid fair or market, it is not held by knight's ſervice *in capite*, or otherwiſe *in capite*. *Nalſon*, vol. II. p. 584, *& ſeq.*

* Such was the advantage that the native Iriſh found from Engl ſh commerce and cohabitation, that many of the Iriſh chieftains turned their

ſtrong tie of intereſt. Nor was this the only balſam to heal ancient animoſities; the yet more powerful influence of ſocial converſe, alliance, inter-marriage, and conſanguinity, had operated for the courſe of many years. Such was the ſeeming harmony which reigned in this country between Papiſt and Proteſtant, that it gave no umbrage to the latter that the former now enjoyed the privilege of practiſing at the bar as lawyers, acting in the capacity of ſheriffs, and other magiſtracies, without taking the oath of ſupremacy; and that prieſts were as open in the exerciſe of their religion as the Proteſtant clergy: nor did the Engliſh parliament ſhew at this juncture any diſtaſte at theſe immunities. Ann. 1641. Carte's Life of Ormond, vol. I. p. 153. Guthry's Hiſt. vol. III. p. 1029, &ſeq.

THIS was but a ſhort-lived calm, a fatal ſtate of fond ſecurity, by which the working heads of ambitious prieſts were able to introduce more diabolical miſchiefs than perverted religion, in the moſt depraved ſtate of man, had ever yet effected. It is ſaid, that one Roger More, of an indigent fortune, yet ſwollen with fanciful ideas of greatneſs derived from family deſcent, and Owen O'Neal, a colonel in the Spaniſh ſervice, were the men who firſt formed a project to expel the Engliſh, and aſſert the independence of Ireland *. The plan was propoſed to lord Mac- Iriſh inſurrection and maſſacre. Carte's Life of Ormond, vol. I. p. 156, & ſeq.

their Iriſh tenants out of their lands, and took in Engliſh; who not only improved their farms, but were able to give better rents; on the other hand, the Engliſh, becauſe they could be ſerved at a cheaper rate, employed the Iriſh. *Temple's Hiſtory of the Iriſh Rebellion*, ed. 1746, p. 24, *& ſeq.*

* In the year 1639, Strafford had the intimation of a plot that was intended againſt the Proteſtants in Ireland; but not finding it ripe for

Ann. 1641. Macguire's Evidence. Borlace, p. 23, & ſeq.

guire and Sir Phelim O'Neal, two other diſſolute adventurers, then to all the Iriſh chieftains, who readily embraced the propoſal, on receiving intelligence, from one Toole O'Conley, a prieſt, that Owen O'Neal would be with them with his regiment of Iriſh Papiſts fifteen days after the riſing. They were likewiſe aſſured by More, that the Iriſh of the pale *, or the old Engliſh, being all of them Papiſts, would join their brethren; that the Iriſh officers in the Spaniſh ſervice had promiſed aſſiſtance; the pope would ſupply money; cardinal Richlieu had given aſſurance of a powerful aid †; and the Spaniſh ambaſſador had declared, that they ſhould not fail of ſuccours from Spain ‡. It was reſolved, that the caſtle of Dublin

Carte's Life of Ormond, vol. II. p. 159, & ſeq.

execution, and not caring at that critical time to raiſe any apprehenſions of a body of men he intended to arm, he gave the meſſenger who brought him the information a reward, and charged him to conceal the matter, and never again appear in that capacity. During the time that Strafford was in Ireland, his chief comrade was Sir Toby Mathews, one of the moſt turbulent of the Engliſh Jeſuits. *The Plot or Progreſs of the Iriſh Rebellion*, a pamphlet printed in 1644. *Carte's Life of Ormond*, p. 155.

* What is called the Engliſh Pale is a large circuit of land poſſeſſed by the Engliſh at the time of the firſt conqueſt of Ireland, and, till the period now treated of, inhabited by them. *Temple's Hiſtory of the Iriſh Rebellion*, 4to ed. 1724, p. 33.

† Cardinal Richlieu had formerly promiſed Tyrone to aſſiſt him in an enterprize on Ireland, as ſoon as the wars in Italy were over. *Macguire's Evidence. Nalſon*, vol. I. p. 549.

‡ The Spaniſh ambaſſador told colonel Bourn, an Iriſhman, that if the Iriſh Papiſts would take advantage of the times, and riſe, their meſſengers for ſupply would be received in Spain under canopies of gold. *Macguire's Evidence. Nalſon*, vol. I. p. 548.

ſhould

ſhould be ſeized * by Macguire, Macmahon †, More, Plunket, Paul O'Neal, an active prieſt, and others; whilſt, on the ſame day, the reſt of the adventurers undertook to ſeize the caſtles and forts of the ſeveral provinces. On the twenty-ſecond of October, the day preceding that aſſigned for the enterprize ‡, the city of Dublin was full of conſpirators. The lords juſtices had received ſome dark and general hints that ſchemes of importance were tranſacting among the Iriſh; but ſuch was that apparent harmony and union of intereſt between the Proteſtant and Papiſt, that the intelligence was totally diſregarded. One O'Conolly, an Iriſhman and a Proteſtant, was truſted with the ſecret: at almoſt the very period of its intended execution, he diſcovered it to the juſtices: the juſtices fled for ſafety to the caſtle, reinforced the guards, and gave the alarm to the town. Macguire and Macmahon were taken. The diſcovery of a general inſurrection and maſſacre § was

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* The execution of ſuch a deſign would have been eaſy: there were no fortifications about the city and ſuburbs; the lords juſtices, out of a due regard to the privileges of the inhabitants, had taken care not to quarter any ſoldiers in the town, though it contained fifteen Papiſts to one Proteſtant. Thus the guarding of the caſtle was conſigned to the care of eight warders, old and weak men, and forty halberdiers. *Carte's Life of Ormond*, vol. I. p. 168, *& ſeq.*

† Macmahon was grandſon to the earl of Tyrone.

‡ The commencement of this revolt was fixed to the winter ſeaſon, when it would be difficult to tranſport troops from England.

§ Whilſt Macmahon was examining, he drew on the walls thoſe repreſentations which preſented themſelves to his fancy concerning the tortures he ſuppoſed then inflicting on the Proteſtants. With the moſt hardened impudence he told the juſtices, that all the Papiſts in the kingdom were engaged in the plot; that what was to be done in other

parts

Ann. 1641. extorted from theſe criminals, but too late to prevent the execution. Sir Phelim O'Neal, and the reſt of the infernal gang, were barbarouſly punctual to the villanies they had promiſed to perform. The perſons, houſes, cattle, and goods of the Engliſh were ſeized; an univerſal maſſacre enſued *; nor age, nor ſex, nor infancy were ſpared; all conditions were involved in the general ruin. In vain did the unhappy victim appeal to the ſacred ties of humanity, hoſpitality, family connection, and all the tender obligations of ſocial commerce; companions, friends, relations, not only denied protection, but dealt with their own hands the fatal blow. In vain did the pious ſon plead for his devoted parent; himſelf was doomed to ſuffer a more premature mortality. In vain did the tender mother attempt to ſoften the obdurate heart of the aſſaſſin, in behalf of her helpleſs children; ſhe was reſerved to behold them cruelly butchered, and then to undergo a like fate. The weeping wife, lamenting over the mangled carcaſe of her huſband, experienced a death no leſs horrid than that which ſhe deplored.

parts of the kingdom was ſo far advanced, that it was impoſſible for the wit of man to prevent it: it was true they had him in their power, and might uſe him as they pleaſed, but he was ſure he ſhould be revenged. *Borlace's Hiſt. of the Iriſh Inſurrection*, ed. 1680, p. 20, *& ſeq.*

* Carte ſays, that the Iriſh were at firſt buſy in plunder; that the maſſacre did not begin till the ſecond week of the inſurrection, when the rebels had ſecured to themſelves the entire counties of Tyrone, Monaghan, Longford, Leytrim, Fermanagh, Cavan, Donnegal, and Derry. On their ſeizing the perſons and goods of the Engliſh, they would tell them, "We only take your goods now, but worſe will follow." *Carte*, vol. I. p. 175, *& ſeq.* *Report of the Examinations taken before Commiſſioners appointed by the King's Authority.*

Ann. 1641. ſtain from the wanton exerciſe of more execrable cruelty than had ever yet occurred to the warm and fertile imagination of Eaſtern barbarians. Women, whoſe feeble minds received a yet ſtronger impreſſion of religious frenzy *, were more ferocious than the men; and children, excited by the example and exhortation of their parents, ſtained their innocent age with the blackeſt deeds of human butchery †. The

* Slaughtering the Engliſh was repreſented by the prieſts as the moſt meritorious of religious acts: they exhorted the people, with tears in their eyes, to rid the world of theſe declared enemies to the Catholic faith and piety. The murdering of Proteſtants, they ſaid, would be a good preſervative againſt the pains of Purgatory; nor would they adminiſter the ſacrament, but on condition that neither man, woman, nor child, ſhould be ſpared. Many of the rebels would ſay, after bragging of the number of barbarous murders they had committed, that they knew if they ſhould die, their ſouls would go immediately to Heaven. Nay, ſo much did they plume themſelves on the merit of theſe exploits, that an abbot was heard to ſay, he would not appeal to the mercy, but to the juſtice, of God, for good ſucceſs to the undertakings of the Papiſts in Ireland. *The Siege of Drogheda in Ireland. Appendix to the Siege of Drogheda. Depoſitions in Temple's Hiſtory of the Iriſh Rebellion.*

† Though the faithful page of hiſtory muſt hand down to poſterity, with a minute exactneſs, the villanies as well as the virtues of mankind, yet, as a particular detail of the ſufferings inflicted on the poor, defenceleſs, innocent Proteſtants, is a repreſentation too ſhocking to be dwelt on by a delicate humane mind, I think it neceſſary to give the reader an item, that the following note will impreſs on his imagination images of the moſt horrid kind. Some thouſands of Engliſh were burnt in their houſes, others were ſtripped naked, and, in hundreds in a drove, pricked forwards with ſwords and ſpikes to river ſides, and from thence puſhed headlong into the ſtream; ſome were manacled and thrown into dungeons, and there left to periſh at leiſure; others were mangled, and left to languiſh in the highways; ſome were happy enough to ſuffer the milder death of hanging; other more unfortunate wretches were buried

Ann. 1641. perſons of the Engliſh were not the only victims to the general rage: their commodious houſes and mag-

buried alive—this was the fate of a poor little infant, who, whilſt he was putting in the grave, cried out to his dead parent, "Mammy, mammy, ſave me!" yet could not his innocent cry pierce the heart of the hardened wretch from whom he received his fate; ſome were mangled and hung upon tenter-hooks; ſome, with ropes round their necks, were dragged through woods, bogs, and ditches, till they died; ſome were hanged up by the arms, and then cut and ſlaſhed, to ſee how many wounds an Engliſhman could endure; ſome were ripped up, and their entrails left hanging about their heels. Theſe kinds of cruelties were exerciſed on children of all ages, and many women with-child ſuffered the ſame fate. Children were forced to carry their ſick and aged parents to the place of ſlaughter; there were of theſe barbarians ſome ſo ingenious in their cruelty, as to tempt their priſoners, with the hopes of preſerving their lives, to imbrue their hands in the blood of their relations. Children were, in this manner, impelled to be the executioners of their parents, wives of their huſbands, mothers of their children; and then, when they were thus rendered accomplices in guilt, they were deprived of that life they endeavoured to purchaſe at ſo horrid a price. Children were boiled to death in cauldrons; ſome wretches were flayed alive; others were ſtoned to death; others had their eyes plucked out, their ears, noſe, cheeks, and hands cut off, and thus rendered ſpectacles to ſatiate the malice of their enemies; ſome were buried up to the chin, and there left to periſh by degrees. One Proteſtant miniſter was put into a caſk lined with iron ſpikes, and then rolled up and down till he was dead. Parents were roaſted to death before their children, and children before their parents. When any one, on the brink of mortality, deſired leave to ſay a ſhort prayer, the bigoted barbarians would exult over the fearful wretch, and tell him, that the agonies to be inflicted were but the beginning of infinite and eternal torments. When any of theſe victims, by the dread of ſuffering, were drawn to profeſs the articles of Popery, they would tell them, they were in a good faith, that they would prevent their falling from it and returning to hereſy; and on this would cut their throats. If any eſcaped the murdering hands of theſe human fiends, they were hunted, baited, and worried to death by their dogs. Nor could the miſerable condition of theſe wretches' excruciating pangs, their anguiſh of mind, their

nificent buildings were either conſumed with fire, or Ann. 1641. laid level with the ground. Their cattle, though now part of the poſſeſſion of their murderers, becauſe they had belonged to abhorred heretics, were either killed outright *, or covered with wounds, turned looſe into the woods and deſarts, there to abide a lingering painful end †. This amazing unexpected

their agony of deſpair, aſſuage that luſt of cruelty which precept, bigotry, national prejudice, and the contagion of example, had kindled in the depraved nature of their brutal enemies. In the laſt ſtroke of death they expreſſed their malice with the following valediction, "Thy ſoul to the Devil;" and, at the hazard of a contagion, obſtinately refuſed burial to their mangled bodies.—The number of thoſe who died of the inhumanities ſuffered from the Iriſh Papiſts, are not thoroughly aſcertained: According to the computation of the rebels, they had ſlain one hundred and fifty-four thouſand in the province of Ulſter only. *Milton's Eiconaclaſtes. The Siege of Drogheda in Ireland. Appendix to the Siege of Drogheda. Report of the Examinations taken before commiſſioners appointed by the King's Authority. Remonſtrance from Ireland.*

* If they turned any of theſe poor beaſts to uſe, they cut their legs and fleſh off when alive, and then kept them three or four days in exquiſite torment. Carte ſays, that many thouſands of theſe animals, whom rapine had made their own, and which were neceſſary for their ſuſtenance, they deſtroyed in theſe ſenſeleſs expreſſions of rage. *Temple's Hiſt. of the Iriſh Rebellion.* 8vo ed. p. 197. *Carte's Life of Ormond*, vol. I. p. 177.

† The wickedneſs of theſe acts was improved by a perfidious breach of the laws of hoſpitality; the Iriſh lodging themſelves the night before and feaſting at the expence of thoſe they intended to murder the next day. Charlemont, a conſiderable fort, was ſurprized in this manner by Sir Phelim O'Neal: he ſent to Sir Tobias Caulfield, the governor, that he would viſit him: Sir Tobias, according to the hoſpitable cuſtom of the Iriſh, feaſted him and all his train; towards the evening the unſuſpecting landlord and his whole houſe were ſeized, and almoſt all murdered, a few making their eſcape. *Borlace's Hiſt.* p. 13, *& ſeq. Carte's Life of Ormond*, p. 172, *& ſeq.*

Ann. 1641. Temple's Hiſt. of the Iriſh Rebellion, p. 167, & ſeq.

ſcene of horror was yet heightened by the bitter revilings, imprecations, threats, and inſults, which every where reſounded in the ears of the aſtoniſhed Engliſh. Their ſighs, groans, ſhrieks, cries, and bitter lamentations, were anſwered with "Spare neither man, woman, nor child; the Engliſh are meat for dogs; there ſhall not be one drop of Engliſh blood left within the kingdom." Nor did there want the moſt barbarous inſults and exultation, on beholding thoſe expreſſions of agonizing pain which a variety of torments extorted. This was the ſcene which Ulſter produced.

Idem, p. 66, & ſeq.

Remonſtrance of the diſtreſſed Proteſtants in the province of Munſter. Examinations taken before the King's commiſſioners. Temple, 4to ed. 1724, p. 102, & ſeq.

In the other provinces, where they profeſſed humanity, they committed many acts of blood and cruelty, and not only expelled the Engliſh their houſes, deſpoiled them of their goods, waſted their lands, but ſtripped them naked, and turned them out to the ſeverities of a very ſharp ſeaſon. Among the multitudes that experienced this treatment, the greater number, through feebleneſs of age, or ſex, or conſtitution, ſunk under the rigor of cold and hunger; many of thoſe who reached Dublin died of the diſeaſes they had contracted, notwithſtanding great care and application were uſed to recover them; others, of keen ſenſations, reflecting on the horror of their fate, from a ſtate of plenty reduced to all the miſeries of poverty, with the additional loſs of parents, huſbands, wives, and children, abandoning themſelves to deſpair, refuſed all reſource but death, the only relief that could be found for ſuch multiplied calamities.

mities *. Nor was the exerciſe of rapine and blood confined to the lower claſs of rebels; men of rank not only practiſed theſe enormities, but ſtimulated the brutal inclinations of their followers †. The opportunity they found to glut their malice has been imputed to a default in the conduct of the unhappy ſufferers; who, inſtead of deſerting their habitations, and aſſembling together for mutual defence, relied on the protection offered them by their ſuppoſed friends, their landlords, tenants, and neighbours, of the Iriſh families ‡, who, on the faith of the moſt

Ann. 1641.

Temple, 8vo ed. p. 134, & ſeq.

* Such numbers of refugees died in the city of Dublin, that the church-yards in the town not being ſufficient to contain them, two large pieces of new ground were taken in, and ſet apart for this particular uſe. *Temple*, 8vo ed. p. 94, *& ſeq.*

† It is pretended, that the barbarities committed by the Iriſh ſprung from the impious policy of Ever Macmahon, titular biſhop of Downe, and Sir Phelim O'Neal, who finding himſelf ſucceſsful beyond his moſt ſanguine wiſhes, and having gathered together, in the ſpace of a week, thirty thouſand followers, had the fooliſh preſumption to ſet himſelf up as king of Ulſter. He, being a weak man, had no other plan of keeping his adherents attached to him, but by making them partakers in his horrid villanies, and dipping them ſo deep in blood and acts of cruelty, that, deſpairing of pardon from the Engliſh government, they ſhould find themſelves obliged from neceſſity to adhere to his fortunes. His ſcheme ſo far ſucceeded as to produce the following reflection in theſe ruffians: "Now, argued they, we have, without injury, without any kind of provocation, aſſaulted the Engliſh in this cruel manner, they who have nouriſhed us in their families as their own children, and have made no difference between their countrymen and us, now that we have requited them ſuch bitter evil for good, they will never truſt us hereafter, and we muſt either deſtroy them entirely, or be deſtroyed by them." *Temple*, 8vo ed. p. 166. *Carte*, vol. I. p. 176.

‡ They were in ſome manner obliged to repoſe this kind of confidence in the Iriſh, from the circumſtance of their not being provided

Ann. 1641. ſolemn engagements, got poſſeſſion of their goods, and then either murdered them themſelves, or delivered them up to other deſtroyers. If, by a courage aſſumed from deſpair, any families ſtood on their defence, they were diſarmed by promiſes of ſafety given under hand and ſeal, with the ſevereſt execrations; but, on their ſurrender, they experienced from the hands of the perfidious villains the ſame fate which had been impoſed on their countrymen. In this manner was the Engliſh colony exterminated in Ulſter.

Hume.

THE Scots, from their numbers being more feared by the rebels, they affected at firſt to ſpare *, on the conſideration that they were not foreigners, but, in their original, of the common ſtock with the Iriſh †. This policy did not take its intended effect; the Scots roſe, to the number of five thouſand, and made ſome

with arms to defend themſelves. The impious policy of Strafford had in a manner diſarmed the ſubjects; they were forbid to ſell, or keep in their houſes, either powder or arms, ſave only what was allowed from the King's ſtore-houſe at Dublin. Powder they were obliged to buy of the King for two ſhillings a pound, and were not allowed to have above five pounds by them at a time.

* A proclamation was iſſued out, that no Scotchman, on pain of death, ſhould be moleſted in body, goods, or land. *Carte's Life of Ormond*, vol. I. p. 178.

† On the preſumption of treaties ſtill ſubſiſting between the old Iriſh and the Scotch Highlanders, the Iriſh fancied the Scots ſo much their friends, that even when forces landed from that country to aſſiſt the Engliſh government, they fondly believed that they came in the character of friends; and on this event releaſed ſome of their Scotch priſoners, with an injunction that they ſhould act with theſe forces. *Appendix to the Hiſtory of the Siege of Drogheda.*

head againſt the rebels; but theſe encreaſing daily in Ann. 1641.
ſtrength, the Scots were in their turn attacked, murdered, obliged to take ſhelter in their native country, or fly to places of ſecurity, and thus leave their lands to be deſpoiled by the enemy *.

* To take off the odium which the principles of Popery have incurred, from various crimes of perfidy and cruelty having been perpetrated by that ſect, the friends and followers of the Romiſh faith have endeavoured to deceive the credulous, the ignorant, and the idle, into an opinion that circumſtances have been greatly aggravated in relation to the bloody facts which, at various times, have been charged on Papiſts. The Iriſh inſurrection, a fact which, with all its circumſtances of horror, has been handed down to poſterity with the concurrent evidence of its cotemporary writers, and on the moſt authentic authorities, has, on various occaſions, been attempted, by all the arts of ſophiſtry, to be ſoftened, and the Iriſh maſſacriſts have met with their advocates: but it is only modern times has produced one bold enough to exculpate them entirely from guilt. Such is the deſign of a performance, entitled "The Trial of the Roman Catholics," and publiſhed in 1764; but ſurely not with the approbation of that body. I ſhould hope, in this enlightened civilized age and country, that the Papiſts themſelves, abhorring the atrocious deeds of their deluded anceſtors, would, from principles of juſtice, humanity, and a ſpirit of proper reſentment, rejoice to ſee them handed down to poſterity with all the marks of infamy they ſo well deſerve.

The author of the before-mentioned tract, after dwelling upon the ancient animoſities which ſubſiſted between the Engliſh and the Iriſh, a circumſtance which has little to do with an inſurrection begun when civil contracts were formed and mutual confidence had taken place, pretends, that the ſeverities of the Engliſh government were ſuch, that, from the general laws of ſelf-defence, the Iriſh were authorized in their act of inſurgency. The ſeverities practiſed by Charles on the Iriſh Papiſts, the fruits of his iniquitous deſire to extend the power and property of the crown, had been equally inflicted on the Iriſh Proteſtants; and, on the very period of the inſurrection, by an apparent coalition of the two parties, were in a fair way to be redreſſed: But an equal enjoyment of privileges was as oppoſite to the views of the Catholics, as the

Ann. 1641. THE ſaving of Dublin having preſerved a place of

acting on principles of Liberty was oppoſite to their religious prejudices. The vindicator of the Iriſh maſſacriſts might, with much more probability, and leſs contradiction to his other aſſertions, avow, that this body thought they had ſo much reaſon to be pleaſed with the government, for the partial favours they had received, and the further immunities they were promiſed, that the acts of violence they committed on their fellow-ſubjects were in pure compliance to the commands of the King, and with an intention to extend rather than reſtrain a power from which they expected to regain ſplendor to their religion, at the expence of ſubjecting themſelves to all the ignominious miſeries which attend civil and religious ſervitude. This conceſſion would agree with their known principles, their declarations, and the aſſertions of the author.

" The principles of their religion, ſays he, preacheth peace, active obedience, and paſſive ſubmiſſion, to all civil eſtabliſhments under which they ſhall happen to live; and their conduct hath been proved invariably conformable to the ſaid precept, from generation to generation, beyond the memory of man." Though the truth of this aſſertion is evinced by the abject ſlavery ſubmiſſively endured by Roman Catholic ſocieties from century to century, and under which almoſt every ſtate profeſſing that religion at preſent languiſh, yet it is an abſolute contradiction to that rational principle of ſelf-defence on which the author endeavours to ground his vindication of the inſurrection of the year 1641. But what does he mean by an aſſertion ſo oppoſite to his plan of vindication? ſurely not to recommend the Roman Catholics to their fellow-ſubjects of the Britiſh empire: A people whoſe " religious principles teach them active obedience and paſſive ſubmiſſion to all civil eſtabliſhments under which they ſhall happen to live," whether thoſe eſtabliſhments are introduced by fraud, violence, or common aſſent, whether calculated for general or partial good, whether tyrannical or legal, may indeed, as proper tools of iniquity, be looked on with an eye of favour by ill-deſigning governors, but, on this account, muſt be regarded with contempt, jealouſy, and averſion, by a people who poſſeſs the bleſſings of Liberty, who know its value, who are acquainted with the equal rights of men, and underſtand the rational principles of government and ſubjection.——Could the intention of the author, in the fore-mentioned aſſertion, admit of doubt, it is fully cleared by the following

refuge to the Engliſh, it received within its gates mul- Ann. 1641.

following paſſage preceding it: " Speculative errors, or ignorance, ſays he, may, in certain caſes, be more than politically innocent; they may be politically uſeful: Auricular confeſſions, purgatories, faſts, and penances, are, to the members of the church of Rome, what diſcipline is in the military department; they preſerve Roman Catholics in the familiar uſe and practice of daily obedience: and this habit of reſpect and ſubmiſſion to eccleſiaſtical diſcipline is not unnaturally attended with reſpect and ſubmiſſion to the ſecular powers. Thus, the obedience of theſe people to the authority of their church is an earneſt of their obedience to the authority of all ſtates, whether Heathen or Chriſtian, under which they live. We cannot, indeed, boaſt of their being ſticklers for popular rights, or champions for Liberty, but we can truly affirm that they are the moſt loyal and amenable of all ſubjects under the ſun."

With an intention to extenuate the guilt of the Catholics, their vindicator endeavours to ſhew, that they were forced into the act of rebellion by the conduct of their governors, framed for the purpoſes of their deſtruction; but totally deſtroys the force of this aſſertion by confeſſing, that ſeveral malcontent Iriſh, of Engliſh extraction, being adviſed of the commotions in Scotland, and of the fomenting of jealouſies between the King and Engliſh parliament, looked on this as a fit ſeaſon, with the aſſiſtance of foreign forces, to recover their lapſed eſtates, and to eſtabliſh the religion of their forefathers; and, in this view, warmly, though privately, ſolicited aid from the ſeveral Catholic powers of Spain, France, and Italy.

The grounds on which he attempts to juſtify the Iriſh maſſacriſts from the cruelties with which they have been charged, has a foundation extenſive enough to vindicate the ſect of Papiſts from every enormity they are ſuppoſed to have been guilty of; viz. That the narrative of the maſſacre had been handed down to poſterity by Proteſtant, or rather Puritan, writers. This aſſertion is falſe; for the earl of Clanrickard, a Papiſt, Clarendon, Carte, and others of the high-church party, agree in moſt of the particulars which he pretends to deny. But granting it to be true, may not the reality of the maſſacre of St. Bartholomew, on the ſame pretenſion, viz. that ſtanch Proteſtants alone had handed it down to poſterity, with all its horrid circumſtances, be with equal reaſon denied?

Not

Ann. 1641. titudes of thoſe wretched ſupplicants; and there not

Not to mention the puerile advantages he takes in framing thoſe arguments he pretends to combat, this author, after eſtabliſhing the forementioned principle of juſtification, grounds great matter of triumph in the inaccuracies which are to be met with in lord Clarendon's account of the maſſacre. Surely any opponent but ſerjeant Statute would on this particular have not only obſerved, that this circumſtance had little to do with the argument, viz. the realities of the maſſacres ſaid to be committed by the Iriſh, but that a regular conſiſtent account of the progreſs of the inſurrection and maſſacre is to be found in the letters tranſmitted from the lords juſtices to the parliament and ſtate of England; and that with this account agree the earl of Clanrickard, Sir John Temple, Carte, and all the writers of note who have treated of that inſurrection.

It is next pretended, on the authority of a calculation made, and an opinion given, by Sir William Petty, ſecretary to Ireton in his capacity of lieutenant of Ireland, that the number of Proteſtants maſſacred in the firſt year of the rebellion did not amount to the number mentioned by the hiſtorians of thoſe times, and confeſſed by the maſſacriſts themſelves. Sir William Petty's obſervation is confined to the Engliſh ſufferers: now, of the Britiſh ſettlers the Engliſh were by much the leaſt part, and the Scots, in their turn, experienced from the cruelty of the Catholics a fate equally ſevere: theſe, it muſt be ſuppoſed, were comprized in the confeſſion of the murderers, and in the account of the writers cotemporary to theſe times. But granting that the number of Proteſtants murdered in the firſt year of the rebellion was much inferior to what has been generally imagined, ſuch a circumſtance has little weight, either in juſtification of the principles of a religion which inſtigated that bloody maſſacre, or its perpetrators; ſince it is certain, that almoſt all who fell into their hands, in the firſt ſtages of that rebellion, either were killed outright by the rebels, or died of the cruelties they ſuffered from them: and if any did eſcape, it was a very few, from whoſe ſervice they intended to reap advantage; ſuch as Bedel biſhop of Kilmore, and others, whom they were obliged to deliver up, for priſoners of conſequence of their own party taken by the ſtate. And ſo equally tainted were all the Iriſh Catholics with the ſpirit of cruelty, that the Engliſh of the Pale, after they entered into rebellion, were as highly guilty in this particular as the mere Iriſh.

But

being at this time above three thouſand troops in the Ann. 1641.

But of all the trivial circumſtances with which the author of the Trial of the Roman Catholics has availed himſelf in defence of the Iriſh maſſacriſts, there is none in which he ſo highly exults as the following; viz. "That the minds of the Proteſtants, to whom fancy ſtill repreſented the ſhocking ſcenes they had beheld, were perplexed with deluſive viſions of the ghoſts of their brethren, wandering about from place to place, and crying for revenge; the guilty Papiſts were equally haunted with theſe viſions as were the diſtreſſed Proteſtants." It was, in this ſuperſtitious age, a very natural conſequence of the bloody tranſaction; but is by no means of force ſufficient to deſtroy the legal evidence of depoſitions taken upon oath, on matters of a nature on which the deponents were not liable to deception: its ſtanding upon record, among the other matters of evidence, ſufficiently evinces the ſincerity of thoſe appointed by authority to take the depoſitions; whom the author very freely, without bringing the ſlighteſt proof againſt them, brands with the higheſt infamy.

Though I have no deſign to enter into any diſcuſſion on the principles of Popery, yet I cannot help obſerving on a quaintneſs of the fore-mentioned author. "The good principles of a church, ſays he, are not neceſſarily attended by conformable practices; and conſequently the evil principles of a church are not neceſſarily productive of the evil practices of its members." This is ſaying very little in favour of Popery or its profeſſors; ſince, though ſuch is that aptneſs to vice in mankind that right principles in religion will not ſufficiently reſtrain it, it will naturally be more predominant in thoſe whoſe conſciences are directed by evil principles in religion; unleſs we can ſuppoſe, that evil actions in men do not proceed from irregular appetites, but from a perverſe inclination to act contrary to their conviction of right.

Notwithſtanding the great pains which has been taken by this author, I cannot think the Iriſh maſſacriſts can, to an unprejudiced mind, ſtand exculpated from a charge founded on the concurrence of the cotemporary writers of all parties, on the depoſitions of witneſſes taken upon oath, and their own confeſſion *; and this on ſuch trifling circumſtances as their vindicator has alleged in their defence, enforced by an obſervation, that, during the regency of Cromwell, no one would dare to print or publiſh a ſyllable in favour of Papiſts. This is not true; becauſe Cromwell, to promote his ambitious views, declared himſelf

* Temple, 4to ed. p. 227.

Ann. 1641. whole kingdom *, ſome of the moſt vigorous of theſe fugitives, with others, in all to the number of four thouſand, were immediately enliſted; and bodies of the army, which were not ſurrounded by the rebels, were ſummoned to defend the town. There were in the caſtle at this time fifteen hundred barrels of gunpowder, match and bullet proportionable, arms for ten thouſand men, and thirty-five pieces of artillery. This military ſtore, provided by Strafford to arm Iriſh

the protector of, and in their turns actually favoured, the followers of every church, not excepting the Papiſts *; many of whom paid him the higheſt incenſe of flattery. But granting no ſuch thing could be attempted during the time of Cromwell's uſurpation, what prevented the Iriſh Papiſts from clearing themſelves of ſuch groſs imputations in the life of their patron Charles I. who was regarded as a party in the inſurrection, whoſe character was involved in their conduct, to whoſe court and preſence many of their leaders reſorted, and converſed freely with his miniſters and followers? But we find no traces of any ſuch attempt; not even in Clarendon, who, from his attachment to the court and epiſcopacy, on the conſideration that they avowedly abetted the intereſts of both, was inclined to favour the Iriſh rebels. He had the opportunity of converſing daily with their chiefs, and of learning from them every particular which favoured their cauſe; though the author is pleaſed to aſſert, that he relates his facts from rumour, and from cotemporary hiſtorians, deeply intereſted in blackening and ſuppreſſing the Iriſh Catholics.

* The ſtanding army in Ireland was uſually two thouſand men. Charles, to ſupport the tyranny of Strafford's adminiſtration, had raiſed them to five thouſand; but the parliament of England, not chuſing to truſt him with more of thoſe dangerous implements than they deemed neceſſary to preſerve the Engliſh government in Ireland, obliged him to reduce them to fourteen troops of horſe, amounting to nine hundred and forty three, and forty-one companies, making two thouſand two hundred and ninety-ſeven foot; a much inferior force than this having in James's time kept the peace of that country.

* Harris's Life of Cromwell, ed. 1762, p. 44, & ſeq.

Papiſts

Papiſts in ſupport of tyranny, providentially turned Ann. 1641.
out the means to preſerve the cauſe of Freedom, and the Proteſtant intereſt in Ireland. Such a plenitude of Liberty, and ſo full a poſſeſſion of Property, did the inhabitants of this country enjoy, at the very time when this inſurrection broke out, that there was very little or no money in the royal treaſury *. This was remedied by the care of the officers of ſtate, who repreſenting to the people their neceſſities, the caſtle was ſoon victualled with proviſions to maintain the army for many months. Commiſſions were ſent by the juſtices for the raiſing the Scots in the Northern parts. Sir Charles Coote, a zealous Proteſtant, was made governor of the city of Dublin, and the caſtle was put under the care of Sir Francis Willoughby, an old-experienced ſoldier. Six hundred men were ſent to the relief of Drogheda, a place of importance, then beſieged by the Iriſh: the deſign being betrayed by the Engliſh of the Pale †, who wiſhed well to the rebel-

* When what is called the ſtate (viz. the governing power of a nation, in contradiſtinction to the governed) is rich, when governors appear in a plenitude of pomp to be ſupported by the wealth of individuals, this is a certain ſymptom that that nation is not free, that the people want one of the eſſential privileges which conſtitute Freedom; viz. ſo ſecure a poſſeſſion of Property that it cannot be taken from them, on any pretext, but by their aſſent; which, it muſt be ſuppoſed, would never be gained but on occaſions of their own immediate protection and advantage, ſince it is inconſiſtent with the affections of men to deſpoil themſelves of what they eſteem the greateſt good, for the particular immunities and enjoyments of others.

† One of lord Gormonſtone's grooms, by command from his maſter, went to Slaine, where the rebel army was lodged, and called them out of their beds to encounter the Engliſh forces. *Temple*, 4to ed. p. 136. *Borlace*, p. 37, *& ſeq.*

 lion,

Ann. 1641. lion, though they had not yet declared themſelves, the convoy, which conſiſted of new-raiſed and unexperienced men, were ſuddenly attacked by the enemy, and defeated. This victory helped to ſupply the rebels with arms; and that reputation which attends ſucceſs encreaſed the number of their followers to ſo formidable an extent, that the juſtices laid aſide all thoughts of acting offenſively, and applied their whole attention to the providing for the ſecurity of the capital.

When the news of this rebellion reached the parliament of England *, it was immediately reſolved in the lower houſe, that a conference be deſired of the Lords on the following articles: That fifty thouſand pounds be borrowed of the city of London †; that a committee of both houſes be appointed to conſider of the affairs of Ireland; and that this committee may have power to open all packets going to and coming from that kingdom. It was farther reſolved, that Owen O'Connoly, who diſcovered the treaſon, ſhould have a gift of five hundred pounds, and two hundred

Journals of Commons, vol. II. p. 300.

* The Commons firſt received the news of the Iriſh rebellion from ſeveral of the chief officers of ſtate, members of the houſe of Peers, and lords of the privy-council. After theſe had deſired leave of admittance in the uſual form, the houſe ordered chairs to be ſet for them: they entered the houſe uncovered, nor did they attempt to put on their hats till after themſelves and the Commons were ſeated; after which both the Commons and the Lords remained covered. *Ruſhworth*, vol. IV. p. 398.

† The city of London was to have eight *per cent.* for the loan, and the ſecurity of an act of parliament. *Ruſhworth*, vol. IV. p. 411.

a-year

a-year penſion; that the cuſtody of the Iſle of Wight ſhould be ſequeſtered in other hands *; that the perſons of Papiſts of quality be ſecured, and that ſuch Engliſh Papiſts having within one year laſt paſt removed themſelves to Ireland, not having an ancient eſtate or habitation there, be commanded by proclamation to return, and, if not obeyed, ſome courſe be taken by act of parliament for confiſcation of their eſtates; that the Lords be deſired to join concerning the diſſolution of the capuchins, and the ſpeedy ſending them away; that the ambaſſadors may be ſent to to deliver up ſuch prieſts of the King's ſubjects as are lodged in their houſes; that a liſt be brought in of the queen's prieſts, and other her ſervants; that a proclamation be iſſued commanding all ſtrangers who are not of the Proteſtant religion to deliver in tickets of their names, and an account of their ſtay, otherwiſe to depart the kingdom; that all innkeepers, and others who entertain lodgers, be commanded to give in tickets of the names of all ſuch lodgers in their houſes to the lord-mayor and aldermen of London, or to the next juſtice of the peace in Middleſex. The houſe of Commons farther ordered, that the oaths of allegiance and ſupremacy ſhould be tendered to the Iriſh, and ſuch other ſuſpected recuſants as were ſtudents at the inns of court; and that ſuch Iriſhmen as endeavoured to paſs into Ireland without notice ſhould be ſtopped, examined, and the oath of allegiance tendered to them; that no Iriſhman ſhould paſs out of

Ann. 1641.

Ruſhworth, vol. IV. p. 405. Parl. Hiſt. vol. X. p. 26.

Nalſon, vol. II. p. 621, & ſeq.

* The earl of Portland, a ſuſpected Papiſt, had at this time the government of the Iſle of Wight.

any

Ann. 1641. any of the parts of this kingdom to return to Ireland without ſpecial licence from the committee of both houſes for Iriſh affairs, or the lords of the privy-council, or the lord-lieutenant of Ireland; that no arms, munition, nor powder, ſhould be tranſported without ſuch a licence; and that, on the lord-lieutenant's certifying to the juſtices of Ireland the names of ſuſpected perſons, and the grounds of the ſuſpicion, the ſaid juſtices and the reſt of the council ſhould enter into examination of the parties, and ſhould have power to commit them to priſon till the truth was diſcovered; that the ſervants belonging to the King, queen, prince, or any of the King's children, ſhould, according to law, take the oaths of ſupremacy and allegiance. The earl of Leiceſter *, who had been lately appointed lord-lieutenant of Ireland, was directed to write to the juſtices to encourage them in their duty towards the defence of that kingdom, with aſſurances of a ſpeedy aſſiſtance. Theſe were the reſolutions which paſſed in the parliament of England on the firſt item of the Iriſh inſurrection †.

When Charles received intelligence of the rebellion, he immediately communicated it to the Scots, who diſpatched a ſmall body of men to ſupport their

* This earl of Leiceſter was grandſon of Sir Henry Sidney, who, at different times, had been eleven years governor of Ireland.

† Before any of thoſe circumſtances of horror which attended it were known; the lords juſtices letter, being dated two days after the rebellion commenced, ſpeaks only of a common inſurrection, and a deſign to ſurprize the caſtle of Dublin. *Nalſon*, vol. II. p. 514, *& ſeq.*

own

own colony in Ulſter, and appointed a committee to treat with the Engliſh parliament on the terms in which they ſhould engage farther in the Iriſh war. Unfortunately for the king, the zeal that he ſhewed in this buſineſs was entirely prevented from having its intended effect by the declaration of the rebels, who called themſelves the Queen's Army, and not only gave out that they had their party both in England and Scotland, that their reaſon for taking up arms was to vindicate royal prerogative invaded by a puritanical parliament, that they had authority from the King and queen, but even ſhewed a commiſſion under the great ſeal of Scotland, in which they were directed to ſeize on the forts and ſtrong places in Ireland, and arreſt the goods, eſtates, and perſons, of the Engliſh Proteſtants to the King's uſe, leſt, as the commiſſion expreſſed, the Proteſtant party ſhould carry things as violently againſt him in that kingdom as they did in England *. It is eaſily to be imagined, that a rebel-

Ann. 1641.

Examination of Audley Mervin.

Myſtery of Iniquity, ed. 1643.

* The Iriſh committee returned to Ireland the ſame month the King went to Scotland. There had been many and frequent conferences between them and the King and queen, but particularly with the latter; whom they flattered with hopes that they could eaſily ſeize into their hands the government of Ireland, and then they would aſſiſt the King to chaſtiſe the hot ſpirits of Weſtminſter. In theſe conferences the plot of the inſurrection is ſuppoſed to have been formed. On the return of the Iriſh committee, they left the lord Dillon behind them, who was ſent by the queen into Scotland. At this time, it is ſaid, the King was prevailed on to permit the commiſſion to be ſigned with the broad ſeal of this kingdom, that depoſit not being yet ſettled in the hands of a proper officer, but entruſted with the King's confidants; ſometimes with the marquis of Hamilton, ſometimes with Endymion Porter, the King's domeſtic, and ſometimes with one John Hamilton, a fiery prelatiſt.

It

Ann. 1641. lion attended with such enormous circumstances, de-

It is to be remarked, that the Irish at first exactly complied with the words of the commission, contenting themselves with seizing on the forts and strong places in Ireland, and arresting the estates, goods, and persons of the English. Bedel bishop of Kilmore, a prelate who had insinuated himself much into the good graces of Strafford, the late lord lieutenant of Ireland, and was so great a favourite with the Popish party that he was not only suffered to live quietly in his own house, whilst those of the rest of the Protestants were in flames, but treated with great respect till his death, which happened in a few weeks after the commencement of the insurrection. This bishop drew up for the rebels, inhabitants of the county of Cavan, a remonstrance, in which it is inserted, that the Irish Roman Catholics, for the preservation of his majesty's honour and their own liberties, thought fit to take into their hands, for his highness's use and service, such forts and other places of strength as, coming into the possession of others, might prove disadvantageous, and tend to the utter undoing of the kingdom. The manifesto of the Ulster rebels complained of the general oppressions suffered by the Roman Catholics from subordinate governors, but professed an immutable and pure allegiance to the King and his successors; they acknowledged to have enjoyed some liberty of religion out of the affluence of his princely goodness; but the parliament of England, maligning and envying those graces, were wresting his prerogative out of his hand: seeing him thus oppressed by disloyal subjects, they had taken up arms for the regaining his prerogative (the essence and life of monarchy), and had seized upon the strong forts of the kingdom, to be enabled to serve his majesty, and defend themselves from the tyrannous resolutions of his enemies; they were ready to yield up the places they had taken when his majesty should command them, and should take a course for securing them and the Protestants of the kingdom against factious and seditious Puritans. The rebels of the county of Longford took the oaths of allegiance to the King, and sent a declaration to the council-board, wherein they demanded a general act of oblivion, without restitution of goods taken in the commotion, and, besides many privileges to the mere Irish, an entire repeal of the penal laws against Papists: these to be confirmed by parliament. *Burnet's Life of Bedel Bishop of Kilmore. Carte's Life of Ormond*, vol. I. p. 182, *& seq. Burn. Hist. of His Own Times*, vol. I. p. 41. *Mystery of Iniquity*, p. 87, *& seq.*

cla-

red to have been undertaken by the King's autho- Ann. 1641.
rity*, with the concurrence of, and under promise of

* I should neither do justice to the memory of this unhappy prince, nor to my own character as a faithful historian, if I did not state the arguments which appear on both sides, for and against the opinion of his being concerned in the Irish insurrection. Those in favour of the King cannot be better stated than they have been already done by the very ingenious Mr. Hume: I shall therefore transcribe his arguments, and annex such observations as the subject is capable of.

Argument. Ought the affirmation of perfidious infamous rebels to have passed for any authority?

Observation. From whom else could such an evidence be obtained? if the testimony of accomplices in guilt were not to be accepted, few crimes could be proved.

Argument. Nobody can tell us what the words of the pretended commission were: that which we find in Rushworth and in Milton's works, Toland's edition, is plainly an imposture, because it pretends to be dated in October 1641, yet mentions facts which happened not till some months after. It appears that the Irish rebels, observing some inconsistence in their first forgery, were obliged to forge this commission anew, yet could not render it coherent nor probable.

*Observation**. That the commission was boasted of and shewed by the rebels, at the very beginning of the insurrection, is evidenced by a proclamation set forth by authority on the thirtieth of October 1641, seven days after the insurrection commenced.—It is not likely, that both Sir Phelim O'Neal, the supposed author of the forgery, and his accomplices, should be such egregious blunderers as to fail in two attempts of so easy a nature as were those of making such a forgery coherent; and though the pretended copies of the commission now extant do mention facts which happened some months after the date, this is no argument that the original commission, boasted of by Sir Phelim O'Neal at the beginning of the insurrection, contained any incoherences at all. The words of the original commission not being known, proves very little in favour of the King, since that such a commission was boasted of so early as the seventh of October is evidenced by the fore-mentioned proclamation; and the original commission being suppressed by the re-

* Rushworth, vol. IV. p. 401.

Ann. 1641. assistance from, the whole papistical body, operated with great power on the Protestants, rousing all that

bels themselves, is a presumption that they thought it would prove too much against the King, whose character they soon found it necessary, for their own preservation, to support.

Argument. Nothing could more obviously be pernicious to the King's cause than the Irish rebellion, because it encreased his necessities, and rendered him still more dependant on the parliament, who had before sufficiently shewn on what terms they would assist him.

Observation. The Irish rebellion did turn out to be very pernicious to the King's affairs, but this happened from cross accidents in the execution, and from the indiscretion of the rebels, circumstances which could not appear in the plan of the insurrection. The plan, as themselves declared, was no less than that of reducing all the Protestants in Ireland, of transporting a large army into England, and by the force of arms to establish the free exercise of Popery in that kingdom *. This project was not a chimerical one; had the castle of Dublin not been saved by the timely discovery of the plot, had the rebels possessed themselves of the arms and ammunition therein lodged, they would have found no resistance in that country, and might with great ease, after the slaughter of all the Protestants, have transported a numerous army into England. That this army, when united to the large body of English Papists, and others, who, like themselves, were champions for the royal prerogative, would have had power to establish, by force of arms, the King's authority and the queen's religion, might have been the conceit of no mean politician. The King's project of rendering himself despotic, at the very period when it was in a manner effected, had been entirely defeated by a Scotch invasion; and as this invasion, with the concurrence of the staunch Protestants in England, had acted so powerfully against him, he might be desirous to try what an invasion of Irish Papists, with the concurrence of the English Papists, and his other partizans, might act for him. But had the plan of the insurrection not been so fully effected as the design of it promised, yet the Irish rebellion would have been an incident very much in favour of the King, had it not been for the premature declaration of the rebels. It would have enabled him, under the pretence of vindicating his legal authority

* Temple's History of the Irish Rebellion, 8vo ed. p. 132.

and

latent terror and aversion which the past conduct of Ann. 1641. this sect had impressed on their minds. It was natu-

and defending his Protestant subjects, to have exerted that prerogative which was supposed to be yet in the crown, viz. to levy an army, and take on himself the whole conduct of the war. With the opportunity this would have given him to treat with the rebels on terms favourable to their purposes and his own, terms which he then would have had power to effect; with the opportunities this would have given him, had things come to extremities, of uniting himself, with all his train of followers, to the rebel army; this rebellion might have procured him many fair chances to have effected those schemes of power, the execution of which the Scotch invasion had for some time postponed. Nor can it be objected, that Protestants would not have co-operated with Papists against Protestants, and against the security of their own religion: the contrary is evidenced by the conduct of the marquis of Ormond, and other Protestants in Ireland, who actually joined the rebel army; the contrary is evidenced by the conduct of that party which yet adhered to the King in England, who not only shewed themselves ready to cut the throats of their Protestant brethren, but to join with these professed enemies to their religion in a cause so sacred as the right divine of despotism in princes. That the King was deprived of the advantages this rebellion promised, was entirely owing to the indiscretion of the rebels themselves, who blabbed out that which, till things came to maturity, ought to have been an inviolable secret, viz. that the King was no enemy to their schemes, nor was it their intention to act against his power and government, but merely against those his Protestant subjects, who wished, for their own preservation, to curtail his power. This indiscretion of the rebels, which disappointed such ends by giving the parliament a pretence to take on themselves the management of the Irish war, is lamented in the following remarkable manner by Charles's great partizan, the earl of Clarendon *. "They foolishly, says he, deprived themselves of that protection and mercy which his majesty would willingly have vouchsafed them for their reduction and preservation."

Argument. The instant the King heard of the rebellion, which was a very few days after its commencement, he wrote to the parliament,

* Clarendon's Vindication of James Duke of Ormond, 8vo ed. 1756, p. 17.

Ann. 1641. ral for the people to look on the authority and power of the parliament to be their only ſafeguard from the

and gave over to them the management of the war. Had he built any projects on that rebellion, would he not have waited ſome little time to ſee how they would ſucceed? Would he preſently have adopted a meaſure ſo obviouſly hurtful to his authority?

Obſervation. The King did recommend to the parliament the caſe of Ireland very ſoon after the rebellion commenced; but this was not till he found himſelf accuſed of being the chief promoter of this rebellion, attended with circumſtances which rendered execrable every individual concerned in it; it was not till after the parliament by their committee had given him ſhrewd hints that they believed the accuſation. The King in theſe circumſtances, to exculpate himſelf from ſo foul a ſuſpicion, was obliged to recommend the care of Ireland to the parliament; which, it is plain by his after-conduct, he did not mean in ſo large a ſenſe, nor ſo trenching on his authority, as the parliament found it neceſſary and uſeful to interpret it in. He made many attempts to procure to himſelf the management of the war, attempts which were rendered abortive by the confidence the public had in the parliament, and by the ſuſpicions they had entertained of the King, and not by the virtue of his declaration, that he recommended to the parliament the care of Ireland; a declaration he might on many pretences have retracted, had not the accuſation of being principally concerned in the inſurrection entirely deprived him of the confidence of his people.

Argument. What can be imagined to be the King's projects? to raiſe the Iriſh to arms, I ſuppoſe, and bring them over to England for his aſſiſtance. But is it not plain that the King never intended to raiſe war in England? had that been his intention, would he have rendered the parliament perpetual? does it not appear, by the whole train of events, that the parliament forced him into a war?

Obſervation. It is to be imagined, that the King would have been glad of aid from the Iriſh, or from any body of men who would have aſſiſted him to have ſubdued the parliament: witneſs his fruitleſs treaty with the Engliſh army *, witneſs his attempts to bribe the Scots, witneſs his letters to the king of Denmark, in which he complains of the parliament, and deſires aſſiſtance. The King had tried various ways, but

* Myſtery of Iniquity, p. 22.

with-

terror of Popiſh plots and conſpiracies; it was natural Ann. 1641. for them to determine that a rebellion, ſo grateful as

without ſucceſs, to raiſe an oppoſition to the parliament. The act of continuing the parliament was, together with the bill of Strafford's attainder, extorted from him by the united voice, or rather clamour, of the people, on the diſcovery of the attempts to bring the army againſt the parliament. It does not appear, that the King was in a capacity to levy war at this time; it was not till after this period, when the death of Strafford had aſſuaged the envy of individuals, that he could unite to himſelf a ſufficient number of partizans to entertain any thoughts of attempting hoſtilities. The King looked on his ſuppoſed prerogative to be ſo ſacred a thing, that any encroachment on it was a ſufficient incentive to war; the whole conduct of this parliament, from the beginning to the end, was conſequently regarded by the King as forcing him into a war, which war he certainly would have entered on ſooner, had his ſituation been adequate to ſuch an undertaking.

Argument. The King conveyed to the juſtices intelligence which ought to have prevented the rebellion.

Obſervation. The letter here referred to ſpeaks of intelligence from abroad, as if a rebellion was expected in Ireland; its date, being on the ſixteenth of March 1640, ſhews it to have been written in the very heat of Strafford's proſecution, at a time when neither the King nor the Iriſh committee were at leiſure to think of conſpiracies. It was after this period that the cabal is ſuppoſed to have commenced between the King and the committee.

Argument. The Iriſh Catholics, in all their future tranſactions with the King, where they endeavour to excuſe their inſurrection, never had the aſſurance to plead his commiſſion: even among themſelves they dropped that pretext. It appears that Sir Phelim O'Neal chiefly, and he only at firſt, promoted that impoſture.

Obſervation. The Iriſh Catholics ſoon found the diſadvantages they had incurred from pleading the King's commiſſion; that by throwing ſo foul a ſtain on his reputation, they had diſabled him from affording them that aſſiſtance and protection he was otherwiſe well inclined to do: this is a good reaſon both for their not pleading the commiſſion in their public tranſactions with the King, and for dropping the pretext among themſelves. Had they found that ſuppoſed forgery to be neceſ-

ſary

Ann. 1641. this was ſuppoſed to be to the prevailing faction at court, would not be ſuppreſſed by a war conducted by

ſary or convenient for their affairs, it would have been very eaſy for them to have ſupported it on the ſame authority on which it was at firſt broached; viz. the great ſeal of Scotland. It could not be conſcience which made theſe people retract the falſhood; for through the whole courſe of the rebellion they never ſhewed the leaſt kind of repentance for all the rapacious, bloody, violent deeds they had committed; ſins of a much deeper dye even than ſuch an impoſture. Indeed the King looked upon this, as well as the cruel butchery of the Proteſtants, as offences of ſo trivial a nature, that, by the ceſſation in 1643, he ſaved theſe aſſaſſins, both of his character and his people, from the reſentment of thoſe they had injured; and afterwards united himſelf to them by a firm peace. Sir Phelim O'Neal, whoſe character was as deficient in ſenſe as humanity, was the firſt man who boaſted of this commiſſion; a better politician would have been ſilent. But he is not the only one who aſſerted, that the plan of the inſurrection was tranſmitted from England *: Macmahon, one of the conſpirators, who was to have ſurprized the caſtle of Dublin, confeſſed, that "the original of the rebellion was brought to them out of England by the Iriſh committee employed to his majeſty for the redreſs of grievances."

Argument. O'Neal himſelf confeſſed the impoſture at his trial and execution.

Obſervation. Allowing this confeſſion to be true, ſuch a retractation is not much to be depended on. Sir Phelim O'Neal muſt have been guilty of a falſhood either in the aſſertion or in the denial; and though the evidence of a dying perſon is in general of great weight †, yet, as the excellent Algernoon Sydney ingeniouſly obſerves on the behaviour of the five prieſts who ſuffered for the Popiſh plot, the Papiſts, by arts formerly unknown to mankind, have found ways of reconciling falſhood in the utmoſt degree with the hopes of ſalvation, and at the beſt have no more to brag of than that they have made men die with lies in their mouths. This obſervation, which experience ſhews to have been grounded on fact, is a two-edged weapon againſt Sir Phelim's evidence. Is it to be ſuppoſed, that a perſon ſo weak and ſo wicked as was Sir Phelim O'Neal, guilty of thoſe execrable barbarities which were perpetrated

* Ruſhworth, vol. V. p. 309. † Sydney's Diſcourſes on Government, 4to ed. 1763.

on

that faction, and that the parliament was the only Ann. 1641. power to whom, with ſafety to the cauſe of Religion

on the Proteſtants in Ireland, guilty of ſuch robberies, rapine, and ſpoil, as were committed in that country by his expreſs orders and for his advantage, guilty of many manifeſt breaches of truſt and violation of oaths and treaties; is it to be ſuppoſed that ſuch a man could be ſubject to the delicate feelings and nice compunctions of honour? that a man who had inflicted on the living injuries of the moſt atrocious nature, ſhould, at his own coſt, from mere motives of juſtice, exculpate the injured memory of the dead? It is to be imagined, that a man of Sir Phelim O'Neal's character would, on the tremendous occaſion of an execution, give up his ſpiritual concerns entirely to the management of prieſts, and that the balſam of prieſt-craft was the only ſalve for ſo ſore a conſcience. It muſt be obſerved, that the cauſe of the Stewarts was at this time particularly the cauſe of the Papiſts; the expectation of this body being entirely confined to the reſtoration of that family to the monarchy of England.

Argument. It is ridiculous to mention the juſtification which Charles II. gave to the marquis of Antrim, as if he had acted by his father's commiſſion. Antrim had no hand in the firſt rebellion and maſſacre; he joined not the rebels till two years after, and he performed important ſervices to the King in ſending over a body of men to Montroſe.

Obſervation. Antrim * was in open rebellion in leſs than two years after its commencement, as appears by the declaration of the Lords and Commons, dated July 1643. He is in that declaration called a notorious rebel, taken and impriſoned by the Scotch army in Ulſter. Borlace, in his Hiſtory of the Iriſh Inſurrection, obſerves, that the marquis of Antrim, from the beginning, had paſſionately ſerved the confederate Catholics in their moſt intimate concerns. † Antrim was of a very mean underſtanding, yet exceedingly given to projects and undertakings: He had ſo much credit at court, that on his propoſing, in 1638, under pretence of claim to part of the earl of Argyll's poſſeſſions, to invade his territories, Charles wrote over to Wentworth to furniſh him with arms and other military ſtores ‡; and though Wentworth repreſented to the King, that he neither hoped much from his parts, his power, or his affections, and that he durſt not communicate his demands to the coun-

* Harris's Life of Charles, 8vo ed. 1758. † Vol. II. of this Hiſtory, p. 282.
‡ Harris, p. 341, & ſeq.

cil,

Ann. 1641. and Liberty, it could be committed. Such being the affections and ſuch the opinion of the public, on an

cil, for he was ſure they never would adviſe ſuch a ſtrength to be entruſted with the grandchild of the earl of Tyrone, yet Charles inſiſted on Wentworth's encouraging, countenancing, and aſſiſting Antrim in his undertaking; and, though he was a Roman Catholic, to find ſome way to furniſh him with arms. Upon the receipt of the King's command, Antrim raiſed the Iriſh clans, the O'Neals, the O'Haras, the O'Lurgans, the Macgenniſſes, the Macguires, the Macmahons, the Macdonnels, O's and Macs in ſuch numbers, Wentworth wrote, as would ſtartle a whole council-board, and required them, in the King's name, to meet him with their forces; ſo that the buſineſs became the common diſcourſe of the whole kingdom. It muſt be owned, that Charles II.'s juſtification of this man, who had been engaged in many murders and villanies, is very extraordinary *. "Beſides the letters and orders under the King's own hand, writes he to the marquis of Ormond, there is ſufficient evidence of ſeveral private meſſages and directions ſent from our royal father, and our royal mother, with the privity and with the directions of the King our father, by which the referees are perſuaded, that whatever intelligence, correſpondence, or actings, the ſaid marquis had with the confederate Iriſh Catholics, was directed or allowed by the ſaid letters, inſtructions, and directions: and that it manifeſtly appears to them, that the King our father was well pleaſed with what the marquis did, and approved the ſame. We cannot in juſtice but, upon the petition of the marquis of Antrim, and after the ſerious and ſtrict inquiſition into his actions, declare unto you, that we do find him innocent from any malice or rebellious purpoſe againſt the crown; and that what he did by way of correſpondence or compliance with the Iriſh rebels, was in order to the ſervice of our royal father, and warranted by his inſtructions, and the truſt repoſed in him; and that the benefit thereof accrued to the ſervice of the crown, and not to the particular advantage and credit of the marquis." Clarendon, who, during the whole courſe of the civil wars, had entered into all the court intrigues, and managed the King's affairs, was nettled at this ſlur on his own reputation, and would have rejected Antrim's petition to examine the warrants he had acted on, ſaying, it was a high indignity to the memory of the late King; and that if any perſon had pretended

* Burnet's Hiſtory of His Own Times, vol. I. p. 40, & ſeq.

to

expreſſion falling from the King, that he committed Ann. 1641.

to affirm ſuch a thing at Oxford, he would either have been ſeverely puniſhed, or the King would have had a thin court. The earl of Northumberland, one of the committee of council appointed to examine the warrant Antrim had acted on, refuſed to ſign a report in his favour; and ſaid, he was ſorry he had produced ſuch warrants; but he did not believe any warrant from the King or queen could juſtify ſo much bloodſhed. Northumberland's example was followed by the reſt of the committee; and the King was obliged to write the forementioned letter to the duke of Ormond, telling him, that Antrim had ſo fully vindicated himſelf, that he muſt get him included in the act of indemnity.

The following *Argument* may be urged in favour of the King; viz. Suppoſing he did excite the Iriſh to arms, would he have expoſed himſelf to a diſcovery by granting them a commiſſion to riſe, under the great ſeal of Scotland?

Obſervation. The Iriſh might have refuſed to engage in the undertaking without ſuch a token of the King's approbation. Charles was himſelf of an enterprizing genius; and it is to be remembered, that though he greatly affected arbitrary power over his people, he paid an implicit obedience to the will of his wife, a woman who was the very quinteſſence of intrigue, and whoſe pride and bigotry had been greatly provoked by the power and conduct of the parliament. From the violence of her diſpoſition it is to be ſuppoſed, that ſhe would have engaged her huſband to run any riſk rather than render abortive a deſign which promiſed fair both to inveſt her with arbitrary power, and to re-eſtabliſh in Great Britain the holy religion. That Charles was capable of being guilty of imprudences of this nature, his treaty with the army to oppoſe the parliament, to which he ſigned his name in token of his approbation of ſuch an attempt, is a proof.

It muſt be owned that the queſtion, Whether Charles was or was not guilty of granting a commiſſion to the rebels to riſe, is involved in great doubts and difficulties. This parliament, the moſt auguſt aſſembly that hiſtory can boaſt, in their vote for no more addreſſes (in which, for the manifold crimes Charles had committed againſt his people, they abſolve them from any farther allegiance) gives it clearly againſt him. Milton, an author of the moſt reſpectable character, both in regard to judgment and integrity, is of the ſame opinion; as is alſo the author

Ann. 1641. the care of Ireland to the Engliſh parliament *, that aſſembly, affecting to interpret it in an unlimited ſenſe, aſſumed the entire management of the war †,

of the Myſtery of Iniquity, a ſenſible and ingenious tract, publiſhed in the year 1643; with other writers of note and reputation. On the other ſide, many authors of judgment and candor, on various grounds, exculpate him from this accuſation. The author of this hiſtory leaves it entirely to the candor of the reader, without preſuming to give any judgment on ſo tender and difficult a point.

The nature of the above argument obliged the author, contrary to her cuſtom, to mention three facts before their regular ſucceſſion; viz. The declaration of the parliament for no more addreſſes, Sir Phelim O'Neal's execution, and Charles II.'s juſtification of the marquis of Ormond.

* The parliament gave inſtructions to their committee to inform the King, that they looked upon the conſpiracy in Ireland to be the effect of the ſame counſels which had ſo long diſtracted England and Scotland; that if perſons of ſuch aims ſhould ſtill continue in credit and authority, the great aids which they would be forced to draw from the people for ſubduing the rebellion would be employed for the fomenting it, and encouraging the like attempts in England; that if his majeſty would not condeſcend to their petition of employing ſuch councils and miniſtry as ſhould be approved of by parliament, they ſhould be obliged, in diſcharge of their truſt, to reſolve upon ſome way of defending Ireland, as ſhould concur to the ſecuring themſelves from the miſchievous councils and deſigns which had lately been, and ſtill were, in practice and agitation againſt them. The Engliſh parliament paid all that deference to the authority of the parliament of Scotland which they expected ſhould be paid to them: They adviſed the King, that one regiment, conſiſting of a thouſand men, ſhould be immediately tranſported into the northern parts of Ireland; but this was to be done by the council and authority of his parliament in Scotland, to be provided in a manner, and commanded, as ſhould ſeem beſt to their great wiſdom and experience. *Ruſhworth*, vol. IV. p. 423, *& ſeq.*

† As the rebels, by an unprecedented piece of indiſcretion, had thought fit to plead the King's commiſſion for the enormities they had committed, he was obliged paſſively to ſubmit to what undoubtedly he thought an uſurpation; leſt oppoſition ſhould render him ſuſpected of favouring the progreſs of the rebellion.

Clarendon, as is elſewhere ſhewn, laments the inconveniences both the King and the rebels incurred from this piece of indiſcretion, in a very remarkable manner, and ſays, "That report raiſed by the Iriſh Catholics, of the King's being a party in the inſurrection, obliged him to commit the whole management of the war to his two houſes of parliament; who, if any thing was propoſed of over-much rigor, if the King made any ſcruple or pauſe in giving his conſent to the ſame, they ſtraight declared, they were obſtructed in ſending relief to Ireland; and publiſhed ſome particular relations of the lamentable and inhuman maſſacre made there by the Iriſh, which were confirmed by multitudes of miſerable undone people who landed from thence in ſeveral places of England, who reported the rebels diſcourſes of executing all by the King's directions; ſo that indeed it was not in his power to deny what they thought fit to ſay was neceſſary for the good work." *Clarendon's Vindication of Ormond*, p. 16, *& ſeq.*

and at once diſarmed the crown of that part of the executive power which, on this occaſion, had been univerſally apprehended. Ann. 1641.

FRESH intelligence coming from Ireland of the exceeding ſpreading of that rebellion, with the cruelties in which it was every where ſignalized, the houſe of Commons came to the following reſolutions: That two hundred thouſand pounds be forthwith raiſed for the preſent occaſions of Ireland: That a convenient number of ſhips be ſupplied for guarding its coaſts: That ſix thouſand horſe and two thouſand foot be raiſed for a preſent expedition into Ireland *: That Temple, 4to ed. 1724, p. 155, & ſeq. Journals of Commons, vol. II. p. 304.

* A report was brought in from the committee of Iriſh affairs, that the pay of a regiment of one thouſand foot, together with the officers, would amount to nineteen thouſand two hundred and one pounds *per annum*; ſix hundred horſe to thirty-ſeven thouſand three hundred and ten

Ann. 1641. magazines of victuals be forthwith provided at Weſt-Cheſter, to be ſent over to Dublin as the occaſion of that kingdom ſhall require: That the magazines of arms, &c. now in Carliſle, ſhall be forthwith ſent over *: That the earl of Newport, maſter of the ordnance, ſhall have power to ſend his commands, and iſſue forth warrants for the bringing up the magazine of arms and ammunition, remaining now in King-
Nalſon, vol. II. p. 643. ſton upon Hull, unto the Tower of London, for the ſecuring the kingdom: That directions ſhall be given for the drawing a bill for the preſſing of men for the Iriſh ſervice †.

ten pounds; and the general officers of the field to nineteen thouſand five hundred and forty-one pounds. It was ordered by the Commons, that the proteſtation ſhould be taken by all officers and commanders, before they were employed in the ſervice of Ireland. *Nalſon*, vol. II. p. 642, 652.

* Letters arrived from Ireland, dated the twenty-fifth of November, in which the juſtices gave thanks to the parliament for their care in ſending over proviſions and money. The ſame letters intimated, that the rebellion grew every day more general; that the rebels were come within four miles of Dublin; that they acknowledged the King for their ſovereign; and, by the mouth of the lord Dillon, viſcount Coſtilough, had ſent in ſome high demands concerning the repeal of the penal laws againſt Recuſants, and farther immunities reſpecting the Iriſh. *Ruſhworth*, vol. IV.

† The diſpatches from the juſtices, which brought this intelligence, were dated the fifth of November. In their letter to the council they repreſented the great progreſs the rebellion had in a few days made, and the outrages the rebels had committed on the Britiſh inhabitants in Ulſter; that they had ſeized upon all their eſtates and houſes in five counties of that province, detained many of the principal geptlemen priſoners, and had already ſlain many moſt barbarouſly; that the rebellion began to diffuſe itſelf in other counties; that they conceived there could be no leſs than thirty thouſand who had already declared themſelves

Ann 1641. The King returns to England.

THE King, having, at the expence of many of his prerogatives, endeavoured to gain at leaſt a neutrality from the Scots, in the conteſt likely to enſue between him and his Engliſh ſubjects, put an end to their parliament; and taking a kind farewel of his countrymen, returned to London *. His entrance into this city was on the twenty-fifth of November. By the indefatigable pains and intrigues of Sir Richard Gurnay, the lord-mayor, a bigoted royaliſt, he was received and feaſted with great oſtentation of public joy; nor was there wanting any kind of expence, parade, and pageantry, to render the compliment perfectly agreeable †.

His public entrance.

ſelves in the rebellion; and that they underſtood their deſign was, having got Dundalke, to take in Drogheda, and ſo to come up immediately to beſiege the caſtle of Dublin. *Ruſhworth*, vol. IV.

* On the return of the commiſſioners from Scotland, they were thanked by their reſpective houſes for having faithfully diſcharged the truſt which had been repoſed in them. *Nalſon*, vol. II. p. 674.

† The queen had taken a great deal of pains that the King ſhould be received with a more than ordinary magnificence, on purpoſe to mortify the parliament. It ſerved to raiſe the ſpirits of the King's party, who bragged loudly that the city was weary of the parliament, and would be ready to join with the King againſt them.——The King, in anſwer to a pompous ſpeech of the recorder, makes the following ſelf-flattering obſervation: "That he now ſees the inclinations of the better and main part of the city had been ever loyal and affectionate to his perſon and government; and that the tumults and diſcords had only riſen from the meaner ſort of people."——The kind of demonſtrations of applauſe which the King met with, are commonly extorted from the ſottiſh multitude by a variety of ſtate tricks; therefore are not true ſtandards to judge of the real affections of the public towards their governors. It is to be obſerved, that the King, with an intent to cajole the city, told them, that he gave them back that part of Londonderry

Ann. 1641. He deprives the parliament of their guard. Parl. Hiſt. vol. X. p. 51, & ſeq.

CHARLES was ſo elevated on theſe demonſtrations of affection, which he looked on to be general and ſincere, that he at once re-aſſumed his former haughty conduct; and the firſt ſtep he took after his return was to diſmiſs the guard which the parliament had appointed for their ſecurity *. Sir William Balfour,

derry which had been formerly evicted from them. This was a pretty extraordinary preſent; ſince the houſe of Commons, by condemning the judgment as illegal which paſſed that eviction, had repoſſeſſed them. Vol. III. of this Hiſtory, p. 20.

* On the parliament's expoſtulating with the King on this diſmiſſion he ſent them word, that it was his royal pleaſure the guard ſhould be diſſolved; his preſence would protect them; he knew they had no cauſe to fear; but he was ſo tender of their ſafety, that, to ſecure them not only from real but imaginary dangers, he would command the earl of Dorſet to appoint ſome of the trained-bands, for a few days only, to wait on both houſes. The houſe of Commons paſſed an order, That the guards the King appointed ſhould be diſmiſſed, and that the conſtable of Weſtminſter ſhould appoint a ſtrong and ſufficient watch in their ſtead. They gave the following reaſons for their fears; viz. The numbers of ſuſpicious diſorderly perſons, eſpecially Iriſh, lurking about London; the plot in Scotland againſt the lives of three members of parliament, ſpoken of here before it happened there, with an intimation that the like was intended againſt divers members of both houſes here; the former plot againſt the Engliſh parliament; the conſpiracy and maſſacre in Ireland, conducted with ſuch ſecrecy, that, but for the providential diſcovery at Dublin, it had been executed in one day throughout the kingdom, and ſome of the chief conſpirators have confeſſed that the like was intended in England and Scotland; ſeveral advices from abroad of deſigns againſt religion, and the parliaments of Scotland and England; the ſecret meetings, conſultations, and devotions of Papiſts, for the ſucceſs of ſome great deſign in hand; from divers examinations taken of their dangerous ſpeeches, they did conceive there was juſt cauſe to apprehend ſome wicked and miſchievous practice to interrupt the peaceable proceedings of parliament ſtill in hand; but rather than admit of ſo dangerous a precedent as to have a guard appointed them under the command of any perſon themſelves ſhould

who had been faithful to the truſt repoſed in him by parliament, was deprived of his office of lieutenant Ann. 1641. Ludlow, p. 8.

ſhould not chooſe, they would run any hazard: but they left it to his majeſty to conſider, whether it will not be fit to ſuffer his high court of parliament to enjoy that privilege of providing for their own ſafety, which was never denied inferior courts.

Some little time before the King's return from Scotland, one Beale, a taylor, informed the houſe of Commons, that, walking in the fields, he had overheard certain perſons diſcourſing of a dangerous conſpiracy; that one hundred and eight ruffians were hired to murder one hundred and eight of the Puritan members of both houſes of parliament; and that when the city of London ſhould be in an uproar on this aſſaſſination, which was appointed to be perpetrated on the eighteenth of November, there were to be riſings of Papiſts in ſix ſeveral parts of the land, viz. in Warwickſhire, Worceſterſhire, Lancaſhire, and two other places, which he remembers not; that he had heard one Philips, Mr. Sheldon (a Papiſt), and two prieſts, father Jones and father Andrews, mentioned as being concerned in the plot. This information being ſent to the Lords, orders were iſſued for ſeizing the perſons of Jones and Andrews, and other ſeminary prieſts and Jeſuits; that Mr. Sheldon and his ſon ſhould be taken into ſafe cuſtody; and that the deputy-lieutenants of Worceſter, &c. have a charge to ſecure the ſaid counties. An ordinance paſſed both houſes for putting the kingdom immediately into a poſture of defence, and that the earl of Eſſex ſhould command the trained-bands on the South ſide, and the earl of Holland on the North ſide, the Trent. The Commons deſired the Lords to join with them in the nominating particular men of truſt to take care of the militia, and that the perſons of Recuſants ſhould be ſecured: It was ſome time before the Lords agreed to this article, and then with ſome reſtrictions, that it ſhould only take place on thoſe who were the moſt active and exceptionable of that body. The Commons paſſed an order, That all Papiſts ſhould leave the town, under pain of being proceeded againſt according to law: the ſame directions were ſent to the mayor of Berwick. Lord Strange, the lord-lieutenant of Lancaſhire, confirmed the ſuſpicions of the public by writing word, that there was great need to look after Lancaſhire. It is not to be ſuppoſed, but that the popular party in both houſes made a politic uſe of theſe rumours, and that their fears were not ſo ſtrong as they pretended; but

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but that the parliament was totally void of ſuſpicions, is, I think, as improbable. The votes which paſſed on theſe occaſions were pretty unanimous; and when the apprehenſions of men are alarmed with real dangers, every ſlight appearance has its effect. *Nalſon*, vol. II. p. 646, & *ſeq.* 654, 688.

* He was a perſon of great licence, and only known by ſome deſperate acts, for which he had formerly been impriſoned, and, having made his eſcape, fled the kingdom. One of theſe deſperate acts was an attempt to murder Sir Thomas Pelham. On being challenged for an affront he had given to one captain Buller, he refuſed to give him the ſatisfaction he demanded, but ſent him word he would cut his throat. *Clarendon's Hiſtory*, vol. I. p. 262. *Nalſon*, vol. II. p. 774.

† The King had before deprived him of the office of treaſurer of the houſhold, and conferred it on the lord Saville. Saville had been promiſed the preſidentſhip of the North, if that commiſſion had not been declared illegal. *Clarendon*, vol. I. p. 255.

‡ By the True Religion was meant all thoſe ceremonies which the Commons had by ordinance forbidden, and a conformity to the preſent form of divine worſhip, though it was repugnant to the conſciences of the greater number of the people, and had been acknowledged to need alteration, by a committee of biſhops and other divines, who had been appointed by the houſe of Lords to conſider on the matter. *Nalſon*, vol. II. p. 765.

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These circumſtances irritated, but did not intimidate, the leaders of the oppoſition. They knew the ſtrength of their popularity, and were determined to make an appeal to the people. A remonſtrance was accordingly drawn up †: It contained the ſtate of the Parl. Hiſt. vol. X. p. 60, & ſeq.

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* Among the long liſt of grievances, the Commons complain, that many families had been ruined by exceſſive fees for compoſition of wardſhips; that undue proceedings had been uſed in finding of offices to make the jury find for the King; that commiſſions had been granted for examining the exceſs of fees, and, when great exactions had been diſcovered, compoſitions had been made with delinquents, not only for the time paſt, but likewiſe for immunity and ſecurity for the time to come; that merchants had been prohibited to unlade their goods in ſuch parts as were for their own advantage, and forced to bring them to thoſe places which were moſt for the advantages of monopolizers and projectors; that large quantities of ground had been taken from the ſubject by colour of the ſtatute of improvement, and by abuſe of the commiſſion of ſewers; and that the converſion of arable into paſture, and the continuance of paſture, had, under the name of depopulation, drawn many millions out of the ſubjects' purſes. They complain, that, notwithſtanding the large ſums which had been drawn from the ſubjects by the illegal enhancement of the rates on tonnage and poundage, and the impoſition of ſhip-money, on pretence of guarding the coaſts, yet the merchants had been left ſo naked to the rapine of the Turkiſh pirates, that many great ſhips of value had been taken, and thouſands of his majeſty's ſubjects carried into miſerable ſlavery. Under the article in which the Commons mention the privilege of parliament broken by the impriſonment of its members, they aſſert, that one of them (meaning Sir John Elliot) died by the cruelty and harſhneſs of his confinement, which would admit of no relaxation, notwithſtanding the imminent danger of his life did ſufficiently appear by the declaration of his phyſicians. That judges had been put out of their places for refuſing to act againſt their oaths; that lawyers had been checked for being faithful to their clients; and that ſolicitors and attornies had been threatened, and ſome puniſhed, for following lawful ſuits. They complain, that the King had taken away the arms of the trained-bands of divers counties. They complain of the King's engroſſing all the gunpowder, keeping it in the Tower of London, and ſetting ſo high a price upon it that the poorer ſort were not able to buy it, nor could any of the ſubjects have it without licence; ſo that not only an unlawful advantage was made of the commodity, but ſeveral parts of the kingdom were left without a neceſſary defence. They complain of the general deſtruction of the King's timber ſold to Papiſts, eſpecially in the Foreſt of Dean, the beſt ſtore-houſe in the kingdom for the maintenance of its ſhipping. They complain of the taking away peoples' property, under colour of the King's title to land between high and low water mark. In that part of the remonſtrance which mentions the power and intrigues of the Papiſts, with the encouragement they had received from court, it is aſſerted, that commiſſions had been ſecretly given to men of that profeſſion for levying ſoldiers, to be employed according to private inſtructions. The Commons make no ſcruple to ſay in this remonſtrance, that the declarations which had been publiſhed to aſperſe their proceedings, on their diſſolution, were untrue and ſcandalous.

It is obſervable, that Ruſhworth has omitted the concluſion of this famous remonſtrance. *Vide a Remonſtrance of the State of the Kingdome, publiſhed by Authority. Printed, London, for Joſeph Hunſcutt*, 1641, 4to. p. 53.

and pernicious deſign of ſubverting the fundamental laws and principles of gevernment, which had taken place from the beginning of his reign: it repreſented the advantage the people had received from the operations of this parliament: it complained of the bad counſels which the King ſtill followed: it complained of the cabals and wicked intrigues of Papiſts, and other malignants: it inſinuated, that theſe cabals and evil counſels had been productive of the Iriſh rebellion; and that England would have been the prologue to this tragedy, had not former deſigns been diſcovered and prevented: it complained, that the malignant party, which had been at firſt ſuppreſſed by the vigor and authority of this parliament, were now reviving, to the diſtraction of public affairs, and to the obſtruction of thoſe good deſigns which the Commons had in view for the advantage of the commonwealth. The Commons juſtify themſelves from thoſe aſperſions which the malignant party had flung on their pro- Ann. 1641.

Ann. 1641. ceedings; ſhew that there is no hopes of eſtabliſhing things on a right footing, whilſt biſhops and recuſant lords were ſo prevalent in the upper houſe; and conclude the remonſtrance with a detail of the courſes they thought neceſſary to be purſued for perfecting the work of reformation, and removing all impediment to the happineſs and peace of the kingdom.

AMONG theſe are ſome farther reſtraints upon Papiſts, "Seeing their religion, ſays the remonſtrance, has ſuch principles as do neceſſarily tend to the deſtruction and extirpation of all Proteſtants." That the King ſhould employ ſuch counſellors and miniſters as the parliament could confide in; that counſellors of ſtate ſhould be ſworn to obſerve the laws which concern the ſubject in his liberty; that good courſes be taken to perfect the union of the two kingdoms of England and Scotland, and to labour, by offices of friendſhip, to unite all the foreign churches to Great Britain, that, by a mutual concurrence to the ſame common end, the good of the whole body of the Proteſtant profeſſion be ſecured. In this remonſtrance the Commons declare, that their intention is not to ſet up an independancy in matters of religion: they profeſs, that they intend to reduce that pomp and power which the prelates had aſſumed, contrary to the word of God and the laws of the land; that they intend to unburthen conſciences of ſuperſtitious ceremonies, ſuppreſs innovations, and take away the monuments of idolatry: they own that the King is to be entruſted with the eccleſiaſtical law, as well as with the temporal, but then he is to regulate the diſcipline of the church of

of England by ſuch rule of order as is eſtabliſhed by parliament; to effect this eſtabliſhment, they profeſs, that they deſire the aſſiſtance of a general ſynod of the moſt pious and learned divines, both of this iſland and of foreign parts *. The court faction, and thoſe inclining to that ſcale, were at this time ſo ſtrong, even in the lower houſe, that it was not without great difficulty that this remonſtrance paſſed. The leaders of the popular intereſt looked on it as the touchſtone of the ſtrength of each party, and ſpared neither argument, entreaty, nor artful management, to procure ſucceſs. It was at length obtained, with great difficulty, the debate laſting from nine in the morning till twelve at night †, and the queſtion only carried by a majority of a hundred and fifty-nine, againſt a hundred and forty-eight ‡.

Ann. 1641.

Clarendon's Hiſt. vol. I. p. 245, & ſeq.

Journals of Commons.

* It is to be obſerved, that the Commons ſpeak very plainly their intention of erecting a new form of church diſcipline. It is not to be ſuppoſed, that they would have been ſo explicit on this important ſubject in an appeal to the people, if they had not been aſſured that an alteration in this point was agreeable to the general ſenſe of the nation. This fact alone, without the evidence of petitions preſented in the names of whole counties and of all ranks of men, is a plain contradiction to thoſe authors who have repreſented that this deſire of alteration in church matters was confined to a minor faction in the nation, ſupported by a majority in the lower houſe of parliament.

† Ruſhworth ſays, from three in the afternoon till three in the morning. Sir Philip Warwick, who was engaged in the debate, ſays that it was three o'clock in the morning when the remonſtrance paſſed. Whitlock differs from the three authorities, and ſays that the debate laſted from three o'clock in the afternoon till ten the next morning. *Whitlock*, p. 49. *Warwick's Memoirs*, 4to ed. p. 202.

‡ This remonſtrance was looked on by the oppoſers of the court to be abſolutely neceſſary to their farther curtailing the power of the crown,

Ann. 1641. THE queſtion for the printing it, put by Mr. Hampden, was in all probability gained by the impetuoſity of Mr. Hyde, who, contrary to the cuſtoms and order of the houſe, deſired leave to proteſt againſt it. Mr. Hyde's example excited Jeffery Palmer and others to cry out in a tumultuous manner, "They did proteſt." This not only put a ſtop to all quiet and free debate, but might have occaſioned bloodſhed, had not the calm ſagacious Mr. Hampden put an end to the diſpute by propoſing to adjourn till two o'clock the next afternoon. On the re-meeting, Mr. Pym repreſented the diſorders of the preceding day, the houſe having been nearly engaged in blood, the conſequence, as he alleged, of Mr. Hyde's tranſgreſſion. The rhe-

Warwick's Memoirs, p. 202.

crown; and the farther curtailing the power of the crown they looked on as eſſential to the preſervation of thoſe privileges the public had already obtained. Indeed, this circumſtance was ſo obvious to common reaſon, that the party did not expect to meet with the difficulty they found in gaining their point. On the remonſtrance being called for late in the day, the lord Falkland, at this time a zealous courtier, moved, that it ſhould be entered on the next morning. Oliver Cromwell, as ſtaunch in court oppoſition, aſked, "Why he would have it put off? for it would be quickly determined." "Sure, anſwered Falkland, it will take up ſome debate." To this Cromwell replied, "That he believed it would be a ſorry one." The next day, when the debate was over, Cromwell told Falkland, "That he would take his word another time. If, added he, the remonſtrance had been rejected, I would immediately have ſold all I have; and I know there are many more honeſt men of the ſame reſolution." Sir Edward Deering, a man of a vain and variable diſpoſition, had been firſt flattered by the puritanical party in parliament into being an active agent againſt epiſcopacy, on ſome diſguſt, was now ſhrunk back into his original orthodoxy in civil and religious politics, and made two violent ſpeeches againſt the remonſtrance. *Clarendon's Hiſtory*, vol. I. p. 246, & *ſeq.* *Nalſon*, vol. II. p. 664, & *ſeq.*

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toric of a Pym was not neceſſary to convince the houſe Ann. 1641. that much miſchief would reſult from ſuch a precedent, if permitted to go unpuniſhed. Mr. Palmer was committed to the Tower †; and the houſe being incenſed at the growing inſolence of the declared partizans of the court, the queſtion for printing the remonſtrance paſſed with little oppoſition. It was ſtrongly attacked by the King's party, as a ſignal that the Commons intended farther encroachments on royal prerogative, and that nothing leſs than a total abolition of monarchical power would ſatisfy that aſpiring body. Theſe inſinuations had little effect on the minds of the people, or were more than balanced by a review of the King's illegal violent adminiſtration. That apparent combination of prelatical, papiſtical, and monarchical intereſt, which had made ſuch bold attempts to pluck up by the root every principle of Liberty which yet remained in the conſtitution, had entered into ſo many conſpiracies againſt the authority of parliament *, and now dealt forth unparalleled deſtruction in Ireland, were, to the public, objects of a much more terrible nature than the apprehenſions of idle ſelfiſh courtiers, and bigoted formaliſts. They remembered with what perfidy, with what violation of every thing that was ſacred, the Petition of Right had been invaded, and were determined, even at the hazard of impairing a government from which them-

† Mr. Hyde was ſaved from this ſentence by the intereſt of the northern members, to whom he had ingratiated himſelf by his ſpeech againſt the court of York.

* At this time the guardian of popular privileges.

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Ann. 1641. ſelves and their anceſtors had received nothing but injuries, to ſecure their new-acquired privileges from future attacks of the crown.

Commons' petition, and remonſtrance of the ſtate of the kingdom. Ruſhworth, vol. IV. P. 437.

THE remonſtrance of the Commons was preſented to the King with a petition which openly inſinuated his concurrence in the Iriſh rebellion, complained of thoſe bad counſels which had occaſioned ſuch variety of miſchiefs, and demanded, as a ſecurity from farther evils, that biſhops, who had long acted as corrupt inſtruments of deſpotiſm and Popery, ſhould be deprived of their votes in parliament, the immoderate power they had uſurped over the clergy abridged, and that every office of command ſhould be alone truſted to perſons on whom the parliament could confide. The King's anſwer to this petition was in vague and general terms: After blaming the Commons for publiſhing it, contrary to his expreſs intimation, and cenſuring their declaration as an unparliamentary proceeding, he tells them, that he does not know what they mean by a wicked and malignant party prevalent in the government †; he had ever concurred with all the juſt deſires of his people to preſerve the peace and ſafety of the kingdom from the deſigns of the Popiſh party ‡. Though the remonſtrance did not accuſe the King of being a Papiſt in his heart, yet he

† Notwithſtanding the particular facts mentioned in the remonſtrance to prove this aſſertion.

‡ On this aſſertion of the King's Rapin juſtly obſerves, that it was true he had never rejected the petitions preſented to him on this occaſion; but then it was no leſs true, that his promiſes in this reſpect had never been executed. *Rapin*, vol. XI. p. 261.

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takes a great deal of pains to clear himſelf on this Ann. 1641. particular, and inſinuates, that, ſince he is convinced of the purity of the Proteſtant religion, it is not poſſible he ſhould encourage the Popiſh faith *. He aſſerts, that the biſhops' right of voting in parliament is grounded on the fundamental law of the kingdom; that the power of the clergy is well moderated by the taking away the High-commiſſion court; he is contented to call a national ſynod to examine ſuch ceremonies as give juſt offence †; but as for corruption in religion, which they had objected, he is perſuaded that there cannot be found on earth that church which profeſſed the true religion with more purity of doctrine than the church of England. After an high panegyric on the beauty of its diſcipline and doctrine, he declares, he will, to the end of his life, maintain it in its glory, not only againſt all invaſions of Popery, but alſo from the irreverence of thoſe many ſchiſmatics and ſeparatiſts wherewith the kingdom abounded. To that part of the Commons' petition concerning counſellors, the King aſſerts, that it is his undoubted prerogative to call thoſe to his ſecret counſels, to public employments, and his particular ſervices, as he ſhould think fit; and tells them, that he has never elected any to theſe offices but what had given good teſtimonies of their abilities and inte-

* Notwithſtanding, as Rapin obſerves, his conduct had ſhewn that this conſequence did not neceſſarily follow. *Rapin*, vol. XI. p. 267.

† The King knew that the Commons would never agree to a national ſynod on his terms; viz. the including in it the biſhops and their adherents.

Ann. 1641. ſelves and their anceſtors had received nothing but injuries, to ſecure their new-acquired privileges from future attacks of the crown.

Commons' petition, and remonſtrance of the ſtate of the kingdom. Ruſhworth, vol. IV. P. 437.

THE remonſtrance of the Commons was preſented to the King with a petition which openly inſinuated his concurrence in the Iriſh rebellion, complained of thoſe bad counſels which had occaſioned ſuch variety of miſchiefs, and demanded, as a ſecurity from farther evils, that biſhops, who had long acted as corrupt inſtruments of deſpotiſm and Popery, ſhould be deprived of their votes in parliament, the immoderate power they had uſurped over the clergy abridged, and that every office of command ſhould be alone truſted to perſons on whom the parliament could confide. The King's anſwer to this petition was in vague and general terms: After blaming the Commons for publiſhing it, contrary to his expreſs intimation, and cenſuring their declaration as an unparliamentary proceeding, he tells them, that he does not know what they mean by a wicked and malignant party prevalent in the government †; he had ever concurred with all the juſt deſires of his people to preſerve the peace and ſafety of the kingdom from the deſigns of the Popiſh party ‡. Though the remonſtrance did not accuſe the King of being a Papiſt in his heart, yet he takes

† Notwithſtanding the particular facts mentioned in the remonſtrance to prove this aſſertion.

‡ On this aſſertion of the King's Rapin juſtly obſerves, that it was true he had never rejected the petitions preſented to him on this occaſion; but then it was no leſs true, that his promiſes in this reſpect had never been executed. *Rapin*, vol. XI. p. 261.

takes a great deal of pains to clear himſelf on this Ann. 1641. particular, and inſinuates, that, ſince he is convinced of the purity of the Proteſtant religion, it is not poſſible he ſhould encourage the Popiſh faith *. He aſſerts, that the biſhops' right of voting in parliament is grounded on the fundamental law of the kingdom; that the power of the clergy is well moderated by the taking away the High-commiſſion court; he is contented to call a national ſynod to examine ſuch ceremonies as give juſt offence †; but as for corruption in religion, which they had objected, he is perſuaded that there cannot be found on earth that church which profeſſed the true religion with more purity of doctrine than the church of England. After an high panegyric on the beauty of its diſcipline and doctrine, he declares, he will, to the end of his life, maintain it in its glory, not only againſt all invaſions of Popery, but alſo from the irreverence of thoſe many ſchiſmatics and ſeparatiſts wherewith the kingdom abounded. To that part of the Commons' petition concerning counſellors, the King aſſerts, that it is his undoubted prerogative to call thoſe to his ſecret counſels, to public employments, and his particular ſervices, as he ſhould think fit; and tells them, that he has never elected any to theſe offices but what had given good teſtimonies of their abilities and inte-

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† The King knew that the Commons would never agree to a national ſynod on his terms; viz. the including in it the biſhops and their adherents.

Ann. 1641. grity *. The anſwer to the remonſtrance was as vague as this anſwer to the petition, as little calculated to give ſatisfaction to the Commons on the articles of their demands, and as totally deficient in point of juſtifying the King's conduct. It finiſhes with a promiſe to obſerve and maintain the eſtabliſhed laws; but in the ſame general terms which the King had before frequently uſed, and to which he had always given what ſenſe he thought proper †.

WHILST theſe diſputes ſubſiſted between the King and the houſe of Commons, the affairs of Ireland grew every day more deſperate. The ſuccour which the Scots had offered for the ſubduing this rebellion had not, on prudential reaſons, been immediately accepted by the Engliſh houſe of Commons: they had received good intelligence from their committee in that kingdom, that if they agreed to the providing for an effectual number of men to be raiſed in Scotland, the King would have inſiſted on the commanding them himſelf; a circumſtance of the moſt dangerous kind. This apprehenſion being removed on the return of the King, the Commons voted, that

* The King, in order to pay his wife a compliment, very improperly inſinuates the efficacy of her mediation in the exerciſe of this important part of the royal office.

† Mr. Hyde, afterwards earl of Clarendon, tells us, in the Hiſtory of his Life, "That he was the author of this anſwer to the remonſtrance of the ſtate of the kingdom; and that this performance, together with his conſtant oppoſition to all propoſals of altering or reforming the church-government, were the particulars which recommended him to the King's favour." *Clarendon's Life*, vol. I. p. 85, *& ſeq.*

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ten thouſand Scots ſhould be ſent into Ireland, on condition that they would condeſcend to be commanded by the government of England ſettled in Ireland. It was reſolved, that ten thouſand foot and two thouſand horſe ſhould be raiſed in England for the ſame ſervice. It was ſome time before this reſolution was carried into practice, the houſe of Lords having refuſed their aſſent to a preamble in the bill for preſſing of men for the particular ſervice of Ireland, declaratory of the ſubjects' privileges; viz. "That the King had in no caſe, excepting that of invaſion from a foreign power, authority to preſs men into his ſervice." This aſſertion aboliſhed that noxious prerogative which the crown had aſſumed of obliging men to perform any taſk of pretended public ſervice which ſhould be impoſed on them; a prerogative which, in this reign, had been uſed as a puniſhment to refractory members of parliament, and to all ranks of men who had refuſed to comply with the King's illegal commands, to the great detriment of their fortune and health. Notwithſtanding that ſuch a limitation of regal authority was neceſſary to the ſecurity and free enjoyment of perſon, time, and property, yet the Peers, who had ſhewn lately ſome ſymptoms of diſtruſt and jealouſy, were very obſtinate on this article; beſides the whole bench of biſhops, who were always a dead weight on the ſide of prerogative, the greater number of temporal lords began to apprehend that that noble ſpirit of Liberty which flamed in the lower houſe, and from thence diffuſed itſelf through the whole nation, might in its conſequences affect their particular privileges; and, as the nature, uſe, and

Ann. 1641.

Ann. 1641. operations of government began to be pretty generally underſtood, that the Commons would, in their reſearches on this ſubject, diſcover this important truth, " That invidious diſtinctions and privileges are ſo far from being inſtrumental to the authority of laws, or the order, regularity, and decency of ſociety, that they muſt neceſſarily act contrary to theſe purpoſes *." To the baſeneſs of a ſelfiſh conſideration did the nobility ſacrifice the principles of reaſon, juſtice, and honour; and all, except a few, who, ſailing with the full tide of popular favour, were tranſported beyond the current of their natural affection, inclined to take ſhelter under the tyranny of the crown, from the dreaded invaſion of democracy. Nor did the bleeding perſecuted ſtate of the Iriſh Proteſtants, nor the inſolent pretenſions of the Papiſts, who demanded a full toleration of their religion in Ireland †, prevail with them to paſs the preſſing acts for raiſing land and ſea forces. In vain did the Commons proteſt, that

* The juſt Freedoms of ſociety depend not ſo much on the lenity of the laws, as the entire and equal ſubjection to the authority of the law; a thing much impeded by every political diſtinction and privilege which is partial: as the Freedom of ſociety is materially affected by it, ſo is the regularity, order, and decency of it. The ſpirit of licentiouſneſs muſt ever prevail in thoſe communities where part of its members can, by their authority, protect others in the commiſſion of crimes, or evade, in their own perſons, the cenſure of the law.

† On the parliament being informed, that the Iriſh rebels had preſented a remonſtrance for peace, the terms of which were, to have the free exerciſe of their religion, and a repeal of all laws to the contrary, both houſes reſolved, that they never would give conſent to ſuch a toleration of the Popiſh religion in Ireland, or any other his majeſty's dominions. *Parl. Hiſt.* vol. X. p. 96.

the

the loſs of Ireland muſt be imputed to the Lords; the Ann. 1641.
Lords continued inflexible: and the Commons, finding that no arguments could prevail, ordered their committee on the Iriſh affairs to meet no more *. This diſagreement occaſioned a fatal pauſe in the military preparations. It was at length compoſed by the interpoſition of the King; who, apprehending that the Lords would give way to the extreme urgency of the occaſion, came to the houſe, and taking notice of the bill then depending, offered to paſs it with a *ſalvo jure* for the King and people; at the ſame time teſtifying his diſpleaſure at thoſe who began a diſpute which, he ſaid, concerned his ancient and undoubted prerogative. This unconſtitutional meaſure acted like magic on the counſels of the upper houſe: the popular lords did not fail to enlarge themſelves on the

* The Lords were ſo deſirous to get the Commons to give up the clauſe they excepted againſt in the preſſing acts, that though the diſtreſſes of the Iriſh Proteſtants called for immediate aſſiſtance, they would not, for ſome time, give their aſſent that ten thouſand Scots ſhould be ſent into that country, unleſs the Commons would agree to the ſending over Engliſh forces at the ſame time; though the council of Ireland had only deſired the aſſiſtance of ten thouſand Scots and one hundred thouſand pounds. Thus they hoped that the deſire of relieving the extreme miſeries of Ireland would compel the Commons to recede from a point on which the Liberties of the ſubject, throughout the whole Britiſh empire, depended. Two petitions were preſented to the Lords on this ſubject: One from ſeveral Iriſhmen of property then reſiding at London, ſetting forth the deſtruction which was likely to fall on the Iriſh Proteſtants, unleſs relieved; and that ten thouſand men out of Scotland, whoſe aſſiſtance was within three hours, would afford a powerful aid: another from ſeveral merchants who had large property in Ireland, complaining of the unſeaſonable delay which had been given to the affairs of that kingdom. *Nalſon*, vol II. p. 769, & *ſeq.* 776, & *ſeq.* *Parl. Hiſt.* vol. X. p. 41, 119.

ſubject;

Ann. 1641. ſubject; the aſſembly, prejudiced as it was, took fire at ſo manifeſt a violation of their rights, and voted, that their privileges were broken by the King's taking notice of the bill whilſt in agitation, by his propounding a proviſional clauſe before it was preſented to him, and by his expreſſing his diſpleaſure againſt perſons for matters moved in parliament. The ſame votes paſſing with the Commons, both houſes united in a declaration vindicatory of their privileges; at the ſame time petitioning the King, that he would declare the authors of the mis-information and evil counſel, that they might receive condign puniſhment. The King excuſed himſelf from having been guilty of any deſigned breach of privilege, but utterly refuſed the naming any perſon who had given him information or counſel on the ſubject *.

* Clarendon tells us, that St. John the ſolicitor-general, to betray the King into committing an irregularity, which he knew would offend the Lords, and effect a reconciliation between the two houſes, adviſed him to take this ſtep. Clarendon's aſſertions are, for the moſt part, made with much more confidence than judgment. To blacken the men he hates, he debaſes the character of the King, the profeſſed hero of his tale, and makes him ever the dupe to the pooreſt laid ſchemes of his enemies. Had this been the caſe, it is not likely that Charles would have ſo ſtrenuouſly denied the naming the perſon from whom he received ſuch counſel: he would have been glad of ſo favourable an opportunity to have leſſened the credit of St. John with the popular party; or at leaſt to have ſhewn the parliament, that, in the matter they ſo much cavilled at, he was guided by the advice of the man in whoſe knowledge of the conſtitution, and in whoſe integrity, they had an high opinion: thus the tables might have been turned, and St. John and his party made the dupes inſtead of Charles. If Charles himſelf had not had ſenſe enough to make the beſt of ſo favourable an opportunity, it is odd that Clarendon, who was at this time one of his principal adviſers, and who pretends to know the whole intrigue, ſhould not have given him proper counſel. It is to be remarked, that Clarendon, with as improbable a foundation, accuſes the lord Say of the ſame act of treachery. *Clarendon's Hiſt.* vol. I. p. 258.

NOTWITHSTANDING the harmony which ſeemed to Ann. 1641.
ſubſiſt between the two houſes, the public affairs continued yet in an unſettled turbulent ſtate. The preſſing act had not yet paſſed the upper houſe; the important buſineſs of Ireland conſequently ſtood ſtill. Nothing was determined in the grand point of eccleſiaſtical policy; biſhops, the ſuppoſed obſtacles to both civil and religious reformation, yet maintained their ſeats in parliament. The public were continually harraſſed and alarmed with the fears of Popiſh plots and conſpiracies. Lunsford, that profligate ſoldier of fortune, was yet, in ſpite of the endeavours of the lower houſe, continued in the command of the Tower; and, upon ſome examinations which paſſed at this time, the Commons voted, "That there was ſufficient evidence to believe there had been a ſecond attempt to bring up the army againſt the parliament, and an intention to make the Scotch army ſtand neuter." On this examination, Daniel O'Neal being voted guilty of high-treaſon *, was impeached by the Commons, and committed to priſon by the Lords. Sir John Berkeley, Sir Hugh Pollard, Aſhburnham, and Wilmot, were voted guilty of miſpriſion of treaſon †. A faſt was

Journals of Commons, vol. I. p. 318, 333, 337.

* On the examination of Daniel O'Neal before the Lords, he pleaded the act of oblivion. His plea was not allowed; and a reſolution paſſed on this occaſion, "That it belonged to the houſe of Peers to interpret acts of parliament, in time of parliament, in any cauſe which ſhould be brought before them." *Nalſon*, vol. II. p. 625.

† It was reſolved by the Commons, that Mr. Jermyn, Mr. Piercy, and Sir John Suckling, ſhould be impeached of high-treaſon. *Id.* p. 754.

at

Ann. 1641. at this time reſolved on*. It was ordered, that a declaration ſhould be drawn for clearing his majeſty's honour from falſe reports caſt upon him by the rebels in Ireland; and a proviſion to be made that there may be no concluſion of that war to the prejudice of this kingdom †. Freſh addreſſes were made to the King for putting the laws againſt Papiſts in execution; conferences were held on the ſubject of ſecuring their perſons ‡; and it was propoſed by the Commons, that a ſtop ſhould be put to the toleration of ſo dangerous a ſuperſtition. In the midſt of that juſt indignation which at this time was excited againſt theſe ſectaries, the King ſolicited the conſent of parliament in reprieving ſeven prieſts, who had been convicted and condemned by due courſe of law. Both houſes being exaſperated with a letter they had juſt received from Ireland, containing a particular account

* Marſhal and Calamy, two favourite miniſters, having, by the deſire of the Commons, preached on this occaſion, they were each of them preſented with a piece of plate worth twenty pounds. Days were appointed for gathering collections towards the relief of thoſe Engliſh who had been ſtripped and ſpoiled by the Iriſh rebels: to theſe contributions Sir John Packer gave one hundred pounds. Some time after this it was ordained, by the deſire of both houſes, that a monthly faſt ſhould be obſerved during the troubles of Ireland. *Nalſon*, vol. II. p. 660, 775, 795.

† The Commons at the ſame time propoſed to the Lords, to join in a petition to the queen, That, for the preventing all ſcandalous reports and apprehenſions, ſhe would publiſh a declaration, that ſhe did abhor and deteſt the perfidious and traitorous proceedings of the rebels in Ireland. *Nalſon*, vol. II. p. 737.

‡ The Commons were deſirous of getting rid of the votes of the Popiſh lords; but the Peers were too tenacious of their privileges to indulge them in this point.

of

of the cruelties which had been committed in that kingdom, and were ſtill carrying on, by the authority and influence of prieſts, joined in a petition to the King, that he would ſuffer the criminals to be executed*: Ann. 1641.

* The parliament, endeavoring to give life to a law which ſeems to have been enacted for the prevention of the ſpreading a religion fatal in its nature to civil community, the juſt laws of government, and the rational principles of ſocial compact, has been very ſeverely cenſured by ſeveral writers, who have condemned the penal laws for keeping theſe pernicious ſectaries from invading the civil and religious rights of their fellow-citizens; and have thrown ſevere reflections on the parliaments of James and Charles, for rigidly inſiſting on their execution. To vindicate theſe magnanimous aſſemblies, who ſo nobly aſſerted and eſtabliſhed the rights of Engliſhmen, from the accuſation of cruelty and perſecution, it will be neceſſary to notice, that the reformed church, from its earlieſt infancy, ſuffered a ſeries of unmitigated perſecutions from the church of Rome; who, unable to convince by argument, had recourſe to the forcible perſuaſives of ſecular puniſhments. In England, as in many other countries, truth prevailing over the terrors of the ſtake and gibbet, made a ſlow, yet gradual, progreſs; and, notwithſtanding the perſecution of Wickliff, and the cruel execution of his followers, in the reign of Henry V. Henry VIII. when the intereſt of his pleaſures made it convenient for him to diſclaim the papal power, found the ſect of diſſenters numerous enough to enable him to ſettle the church of England on an independant footing. Proteſtantiſm, thus countenanced by authority, made great advances, and, in the reign of that ſenſible, learned, and pious young monarch Edward VI. the religion of the country was eſtabliſhed on the principles of the Reformation. The Proteſtants, not ſufficiently attentive to their ſafety, on the death of this prince ſuffered the government to devolve into the hands of his ſiſter Mary, a furious zealot for the Popiſh ſuperſtition: Bloody were the annals of this reign; the eccleſiaſtical authority of the pope was reſtored, the Catholics were re-inſtated in the adminiſtration, and the ſhort-lived triumph of the Proteſtants was ſucceeded by a ſevere and mercileſs perſecution. On the death of this princeſs, power again changed hands: the Proteſtants were inveſted with authority, under the influence of a Proteſtant ſucceſſor. In this ſunſhine of their fortune, inſtead of retaliating the injuries they had received, they contented

Ann. 1642. with this requeſt the King did not think fit to com-

themſelves with enacting ſome uſeful laws for preventing the growth of a religion from whoſe uncharitable tenets they had experienced ſuch cruelties. The laws enacted in queen Elizabeth's reign againſt recuſants were of this kind: The law againſt Jeſuits and ſeminary prieſts, and againſt the bringing in or putting in execution of bulls, writings, or inſtruments, or other ſuperſtitious things, from the ſee of Rome; and the law for reſtraining Popiſh recuſants to ſome certain places of abode, were found neceſſary to prevent evils ariſing from the intriguing dangerous ſpirit of the Papiſts, which continually broke out in plots and conſpiracies. The miſchief intended to be perpetrated on both houſes of parliament, in the third year of king James, gave birth to two other laws of the ſame ſort; viz. The act for the better diſcovery and ſuppreſſing of Popiſh recuſants; and the act for preventing dangers that may grow by Popiſh recuſants. Many of the penal ſtatutes, which were merely deſigned to prevent the venom of Popery, by the little arts of miniſters acting on the ignorance of the times, were drawn up in terms ſo general and comprehenſive, that they included all kinds of diſſenters; and added a large ſhare of arbitrary power to the crown.—The tenets of the Romiſh religion, being ſuited to the purpoſes of tyranny, have ever made this ſect the favorites of monarchs: had they not declared a perſonal enmity to Elizabeth, they would undoubtedly have found in this arbitrary princeſs a protectreſs: they were ſo avowedly the favorites of James and Charles, that, while all thoſe who did not conform to the religion which was countenanced by authority were perſecuted with rigor, the Papiſts were not only permitted an indulgence which in a manner amounted to a toleration, but many of them were entruſted with offices, whilſt the remembrance of their cruel adminiſtration under the government of Mary was yet freſh in the minds of the Proteſtants. The marriage of king Charles with a Popiſh princeſs confirmed the fears of the latter and the hopes of the former; and from this hour the King's pretenſions to an arbitrary temporal dominion, and the pope's to an eccleſiaſtical one, ſeem to have gone hand in hand: nor had the Papiſts the moderation or the prudence to diſguiſe the connection they had with the King; they in a manner openly avowed the illegal favors they received, and their deſigns to aſſiſt the government to render itſelf abſolute. Under theſe provocations and dangerous apprehenſions, the parliament proceeded with the utmoſt juſtice

ply; but offered to baniſh them, if the parliament Ann. 1641. would give their conſent *.

EVERY thing which could excite paſſion, and fix attention, actually ſubſiſted at this critical juncture. The fears of men were alarmed, their expectations

juſtice and moderation, contenting themſelves with requeſting the King, in general terms, to put thoſe penal laws, enacted for the preſervation of the Proteſtant religion, into execution. Even when they were in the meridian of their power, they gave way to the reprieve of Goodman, the prieſt; nor, when the bloody inſurrection in Ireland had produced another inſtance to ſhew that the toleration of that religion and the ſafety of civil ſociety were incompatible, did they ſo ſtrenuouſly inſiſt on the execution of the law againſt Jeſuits and ſeminary prieſts as to bring any one of this order to puniſhment. Theſe prieſts, who occaſioned the preſent diſpute between the King and the parliament, were not executed, as ſome authors have alleged, but baniſhed. *Parl. Hiſt.* vol. X. p. 98.

* Some time after, the King communicated a letter to the parliament, which ſecretary Nichols had received from Venice, wherein it was ſaid, that the pope was much incenſed againſt the parliament's proceedings againſt Romiſh prieſts and recuſants; and that he would ſend an army into Ireland, if the parliament did not diſcharge thoſe ſeven prieſts whom the King had reprieved. This ridiculous menace occaſioned the parliament again to petition the King to put the ſentence againſt theſe men in execution. At the ſame time the Commons voted, that the Capuchin friars at Somerſet-houſe ſhould be immediately ſeized and brought before them. The French ambaſſador, under whoſe immediate care they at this time were, excuſed himſelf from obeying the order, on pretence, that, as the Capuchins were ſent into England on articles of treaty between the two crowns, he could not do it without the permiſſion of the King his maſter, or the expreſs command of the King and queen of England; but offered to keep them ſafe priſoners at Somerſet-houſe, and that no maſs ſhould be ſaid in the chapel. The houſe reſted ſatisfied with this excuſe, and accepted of the ambaſſador's offer. *Rapin*, vol. XI. p. 27. *Journals of the Commons*, vol. II. p. 464.

Ann. 1641. raiſed, and the pulſe of the public beat high for a full enjoyment of Liberty: the mechanic neglected his art, the apprentice his employment; ſhops were left empty; and even the women, laying aſide their domeſtic cares, engaged with the men in political intrigues: a rage for reformation ſeized the whole community; the generous ardor burnt in every honeſt breaſt; and all but the ſenſual, the ſuperſtitious, the dependant, and thoſe whoſe intereſt was immediately concerned with the errors of the preſent eſtabliſhment, lent their aſſiſtance toward the throwing down the fabricks, and plucking up the foundations, of tyranny. Such being the diſpoſition of the public, the popular leaders had recourſe to the ſpirit without doors, to get the better of the oppoſition they found within. Several common-council-men, and others of good repute in the city, in a petition which ſet forth their fears on the occaſion of colonel Lunsford's having the command of the Tower, entreated the Commons to take ſuch means as ſhould ſecure the city and kingdom againſt farther miſchiefs *. The Commons conferred with the Lords; the Lords refuſing to join in an addreſs for the removal of Lunsford, the Commons, after voting that they held colonel Lunsford unfit to be lieutenant of the Tower of London, as he was a perſon in whom the Commons of England could not confide, ſet forth a declaration, proteſting their innocence of the miſchiefs likely to enſue;

Nalſon, vol. II. p. 780.

Journals of Commons, vol. II. p. 356.

* Vicars, in his Parliamentary Chronicle, ſays, that men of the beſt note and quality in the city, both for piety and ability, went with this petition to the parliament-houſe, with an equipage of fifty or ſixty coaches. *Parl. Chron.*

ſue *; and aſſerting, that the malignant party were Ann. 1641.
not only encouraged by the ſucceſs of the rebels in Ireland, but likewiſe by the interruptions which the public buſineſs received in the houſe of Peers, occaſioned by the number of biſhops and Papiſts, notoriouſly diſaffected to the public good, who had voices in that aſſembly. This declaration being read in the upper houſe, it was moved and carried, that the debates on it ſhould be adjourned. On this the popular lords, to the number of twenty-one, entered their proteſt; and the Commons ordered the earl of Newport, the then ſuppoſed conſtable of the Tower, to reſide in the place, and take on himſelf its cuſtody and guard. The earl of Newport ſent them word, that the King had diſcharged him from that truſt †. This made the public diſcontent ſwell ſo high, that the lord-mayor informed the King, that there would be a general

* The Commons alleged, they had already found ill conſequences from Lunsford's being lieutenant of the Tower: Merchants had already withdrawn their bullion from the Mint; and ſtrangers, whoſe ſhips had brought in great ſtore, did forbear to bring it there. *Nalſon*, vol. II. p. 778.

† The following was the pretended reaſon for the earl's diſcharge: That whilſt the King was in Scotland, at a meeting at the earl of Holland's houſe at Kenſington, where there were many members of both houſes preſent, on a diſcourſe of plots, the earl ſhould ſay, "If there be ſuch plots, we have his wife and children here." This Newport ſtrongly denied; on which the King replied, "I am ſorry for your lordſhip's memory." This being told the Peers, they deſired a conference with the Commons on the ſubject; and both houſes concurred in petitioning the King to declare who was the reporter of the ſcandal. The King denied he had expreſſed any ſuch belief; aſſured them he gave no credit to the rumour; and abſolutely refuſed to name the informer. *Ruſhworth*, vol. IV. p. 464, *& ſeq.*

Ann. 1641. general rising in the city, to attempt the Tower. On this the keys were taken from Lunsford, and given to Sir John Byron, a man almost as disagreeable to the public as his predecessor.

Nalson, vol. II. p. 644. When the Commons deputed their committee to treat with the city concerning a loan of money for the Irish wars, they were told, with a just freedom, that the privilege of parliament was a great hindrance to their trade. The citizens farther delivered their opinion on the following articles: That Popish lords, and other suspected persons of quality, ought to be secured; and that the bishops maintaining their seats in parliament was an impediment to the progress of those good laws and motions which had been sent up by the Commons to the Peers. This declaration of the sense of the city was farther enforced by a petition, subscribed by aldermen, common-council-men, subsidy-men, and other inhabitants of the city of London: it was directed to the house of Commons; beginning with an acknowledgment of their laborious endeavours for a reformation, which had removed several pressures and grievances, notwithstanding the impediments that had arisen from Popish lords, and bishops, voting in the house of Peers: it complained of the desperate plots of Papists and their adherents, now actually operating in the kingdom of Ireland, and threatening England in a manner that filled every mind with apprehensions; so that the trade of the kingdom was stopped, no man following his occupation chearfully, whilst the lives of himself and family, and the public safety, was in danger: it complained

plained of the bold insolent carriage, and threatening Ann. 1641.
speeches flung out by the Papists in the realm; their endeavour to raise a disrespect in the hearts of the people against the parliament; their seditiously mis- Nalson, vol. II. p. 733, construing the citizens' dutiful and loyal entertain- & seq.
ment of his majesty to be a deserting that honourable assembly, the least thought of which they did utterly detest and abhor. To prevent the destructive plots of the Papists and their adherents, the petitioners prayed, that considerable forces might be sent into Ireland; this kingdom put into a posture of defence; that the Commons would be a means to obtain the concurrence of the King and Lords, in the punishment of delinquents, the redressing the grievances of church and commonwealth; and that they would take into particular consideration the abuses crept into the ancient government of the city*. To the better effecting of this, that the Popish lords, and bishops, should be removed out of the house of Peers, as had been desired by the representative body of the city, when fifty thousand pounds were freely lent to raise forces for Ireland.

This petition was in its nature too pleasing to the prevailing party in the house of Commons not to meet with encouragement. An assembly having met Clarendon's Hist. vol. II. together in Southwark, on a business of the same kind, p. 265. they were disturbed by a meddling officious constable

* This probably relates to that dispute between the mayor and commonalty of the city which had been referred to parliament, and yet remained unsettled.

of

Ann. 1641. of the high-church faction; a riot enſued, but, on a writ being directed to the ſheriff to proceed againſt the parties, the leading men in the houſe of Commons declared, that the matter affected their privileges, the conſtable having interrupted a ſet of well-affected men, who had met together to addreſs that aſſembly. On this an order paſſed, that the under-ſheriff ſhould be enjoined not to ſuffer proceedings to be made upon any inquiſition that might concern perſons who were met together to ſubſcribe a petition to be preferred to that houſe.

WHILST the partizans of Liberty were thus uniting their forces, and making vigorous efforts to remove the obſtacles which impeded their deſigns, Charles, who had been hitherto totally unable to divert the popular current which had run ſo ſtrongly for his enemies, was making impotent attempts to obſtruct its courſe. He not only gave private orders to Lunsford and others to withſtand the mob in their tumultuous clamors againſt biſhops and Popiſh lords *, but, affecting fears for his own perſon, retained a guard of diſbanded officers, who waited to be employed in the Iriſh war, and were ready to engage in any miſchievous deſign which ſhould be propoſed. Theſe deſperadoes were entertained and fed with great pomp at Whitehall. The gentlemen of the inns of court were likewiſe tampered with, and ſome of them offered their aſſiſtance to defend the perſons of the King and queen: of this idle crew there were that went ſo far as to ſay, "Let us not ſuffer theſe fellows at Weſtminſter to domineer thus, but bring up our tenants to pull them out." The mob was not only Tumults. inſulted with contemptuous words, ſuch as "round-headed dogs *," but ſwords were drawn, and many of them ſlaſhed, and otherwiſe wounded †. The gentleman-uſher of the houſe of Lords, having, by the command of that aſſembly, ordered the concourſe of

Ludlow, p. 9.

* By the influence of Gurnay, the lord mayor, the common-council had paſſed an act for addreſſing the King to keep his Chriſtmas at Whitehall: the King promiſed compliance, provided the city magiſtrates would take a courſe for preventing tumults; and knighted ſeven aldermen, who brought the addreſs: he afterwards ſent a meſſage to a court of common-council, on the ſubject of tumults. It appears by the debates of this court, that the trained-bands were very much diſaffected to the royal cauſe. *Ruſhworth*, vol. IV. p. 470.

* Dugdale ſays, that the German reformers cut their hair round, in contradiction to the conformiſts, who were vain and coſtly in their attire, and wore a great quantity of hair: the reformers in England took example from their German brethren. The queen, who had a great deal of levity in her conduct and manner, obſerving Samuel Barnardiſton (one of the ringleaders of the non-conforming ſect) marching at the head of a body of apprentices, cried out, "See what a handſome young round-head is there;" the appellation was affected by her whole party, and was publicly uſed by Hyde. The King's guard of bravoes were in return called Cavaliers. Theſe terms were afterwards uſed to diſtinguiſh the two parties. *Dugdale*, p. 8. *Rapin*, vol. XI. p. 294. *Clarendon's Hiſt.* vol. I. p. 267.

† The news that Lunsford and others of the gang had drawn their ſwords upon the people being carried into the city, great multitudes of that body ran down to Weſtminſter, with ſtaves and other weapons. This occaſioning a more than ordinary uproar, the aſſiduous lord-mayor ordered the gates to be ſhut, and put the trained-bands in arms; whilſt the King, on his part, commanded the militia of London and Weſtminſter to aſſemble by turns, and guard his perſon. *Rapin*, vol. XI. p. 294.

Ann. 1641. people to diſperſe, was told, that they were willing to go; but that colonel Lunsford and others were laying in wait for them in Weſtminſter-hall, and that many of their fellows, in their way home, had been hurt by his ſoldiers. The Lords appointed a committee to examine what warrant had been given to the ſoldiers to come down to the parliament-houſe? what notice had been given to any others to come down to Weſtminſter in multitudes? and who gave the occaſion that ſwords were drawn and blows given in Weſtminſter-hall *? On an inquiſition which the houſe of

* Some time before this, a company of watchmen, with halberts, were ſet as a guard on both houſes of parliament. The Lords queſtioned them why they came there? and ſent for the high-conſtable: he alleged, that he received a warrant from the juſtices of peace, ſet forth by the King's writ, directed to them: the Commons ſummoned theſe juſtices before them: the juſtices pleaded, that the writ was granted forth by the direction of the houſe of Peers. It was found they had exceeded their authority in ſending conſtables when there was no tumult, and had been guilty of a breach of privilege in ordering down armed men to the parliament, without acquainting them with it. One of the juſtices, named Long, who had ſigned the warrant for the guards, was ſent to the Tower.

To ſuppreſs riots the Lords had ordered, that the lord-keeper ſhould iſſue out writs according to the ſtatute of Henry V. cap. 8. This ſtatute expoſes thoſe who are found in riots to be tried by the King and council, and puniſhed according to the arbitrary deciſions of that tribunal. It was therefore laudable in the houſe of Commons to exert their preſent authority to reſcue the ſubject from an unconſtitutional law.—They were guilty of an act of power, on another occaſion, that was very unjuſtifiable. Sir Walter Earl had given an information to the houſe of ſome dangerous words ſpoken by ſeveral perſons, but did not name the offenders: the houſe ordered the ſpeaker to iſſue out a warrant to apprehend ſuch perſons as Sir Walter Earl ſhould nominate to him. This was an act of power unneceſſarily tyrannical and unconſtitu-

Commons made on this buſineſs, they were informed by one of their own members, that, on his queſtioning a guard of ſoldiers, which he found in the way, he was told that they were ſet there by the command of the lord-archbiſhop of York. Mr. Hollis was ſent up to the Lords to complain of the outrages which had been committed on the perſons of the King's ſubjects; and, that this might be a free parliament, to deſire them, according to their own propoſition *, to join with the houſe of Commons in a petition to his majeſty, that the parliament might have a guard, and ſuch a one as ſhould be approved by the two houſes, to be commanded by the earl of Eſſex. The Lords not then thinking fit to agree with the repeated re- Ann. 1641. Nalſon, vol. II. p. 792, & ſeq.

ſtitutional; ſince though the conſtitution does not limit the houſe of Commons in means to defend the liberties of the ſubject, yet it does not permit them to infringe thoſe liberties in the ſmalleſt degree. *Nalſon*, vol. II. p. 727, 732, & p. 729. *Parl. Hiſt.* vol. X. p. 98. *Statutes at Large*, vol. I. p. 215.

* On the occaſion of the late fray, the Lords had deſired the Commons to join with them in a declaration, to be publiſhed, teſtifying their diſlike of the aſſembling of the people in ſuch a diſordered manner about the two houſes of parliament; and that they would likewiſe petition the King for a guard. The Commons returned anſwer, that they would agree with their lordſhips in all good and lawful means for the ſafety of the parliament; but for printing a particular declaration, they had entered into a debate on it, and found it to be a thing of great conſideration, that would require time. Clarendon ſays, that on the receipt of the Lords' meſſage, ſome of the popular members urged, "That they muſt not diſcourage their friends; this being a time they muſt make uſe of all friends." Pym ſaid, "God forbid the houſe of Commons ſhould proceed in any way to diſhearten people to obtain their juſt deſires." *Parl. Hiſt.* vol. X. p. 127, 135. *Clarendon's Hiſt.* vol. I. p. 265.

Ann. 1641. Nalſon, vol. II. p. 800.

queſts of the Commons *, they directed, that the juſtices of the peace of the city of Weſtminſter ſhould take care that good watches, ſufficiently armed, ſhould be ſet in ſuch convenient places as ſhould be neceſſary for their ſafeguard; and that halberts ſhould be provided for the ſervice of the houſe. They farther declared, that it ſhould be lawful for every member to bring his own ſervant to attend at the door, armed with ſuch weapons as they ſhould think fit. The King was addreſſed on this ſubject in the name of the lower houſe: This addreſs ſet forth, that there had been ſeveral attempts heretofore to bring deſtruction on their whole body at once; that a malignant party, bitterly envenomed againſt them, was daily gathering ſtrength and confidence, and was now come to ſuch a height as to give boldneſs to ſome not only to imbrue their hands in the blood of the ſubjects at the very doors of the parliament, and at the King's own gates, but had given out inſolent and menacing ſpeeches againſt the parliament itſelf; ſo that they conceived they could not, with the ſafety of their perſons, on which the peace of the whole kingdom depended, ſit any longer unarmed and without a

Journals of Commons, vol. II. p. 365.

* The preſent obſtinacy of the Lords in this matter is very ſurprizing: They had, on the King's return from Scotland, ſo ſtrongly concurred with the Commons in their deſire for a guard under the command of the earl of Eſſex, that they deputed ſome of their own body to make this requeſt; and now, when themſelves not only acknowledged that there was a great occaſion for the parliament to have a guard, but made the firſt motion for it, they would not concur with the Commons on the means to have one of their own chuſing, but preſſed them to accept of one that ſhould be appointed by the King.

guard.

guard *. The King's party having been the aggreſſors in the fore-mentioned fray, the Commons, not without reaſon, regarded it as a levying war on his ſubjects; and it afforded them a juſt pretence for protecting the mob †. The King ſet forth a proclamation againſt tumultuous meetings; but ſome citizens having been committed on the occaſion of riots, they were, by the expreſs orders of the lower houſe, ſet at liberty ‡; and David Hyde, a reformed officer, who called out, "he would cut the throats of thoſe round-headed dogs that bawled againſt biſhops," was ſecured by the citizens, and brought before the houſe of Commons, who committed him to priſon, and caſhiered him from all employment in Ireland. Ann. 1641.

THE Lords, alarmed at the pretenſions, and dreading the vigor, of the Commons, kept firm to their reſolution of defending the biſhops in their privilege of voting in parliament, when an unexpected acci-

* The Commons had, previouſly to the reſolutions they had paſſed for their defence, ſent a verbal meſſage to the King for a guard: he directed that the meſſage might be given him in writing; and they neglected to return an anſwer. *Rapin*, vol. XI. p. 303.

† Theſe mobs are not to be conſidered as compoſed only of the loweſt order of citizens. In a fray occaſioned by the archbiſhop of York's detaining ſome rioters who had got into the Abbey, ſeveral citizens were hurt by ſtones thrown from the leads; and one Sir Richard Wiſeman died of the wounds he received. *Ruſhworth*, vol. IV. p. 465.

‡ They were committed by the ſheriffs of London and Middleſex, on the ſtatute of the thirteenth of Henry IV. The Lords had given expreſs orders to the ſheriffs to put this ſtatute in execution. *Nalſon*, vol. II. p. 792.

dent

Ann. 1641. dent ſubdued that obſtinacy which had withſtood the general voice of the people, and the repeated endeavours of the Commons. Williams, the preſent archbiſhop of York, whoſe ſervile nature admitted of a great degree of inſolence of temper *, in his way to the houſe of Lords fell in with a body of apprentices, who had juſt delivered in a petition for the laws to be put in execution againſt prieſts and Jeſuits; that the perſons of Papiſts, and other dangerous perſons, might be ſecured; and for the removal of prelates and Popiſh lords †. He obſerving one particular youth who was louder than the reſt in his clamors againſt biſhops, had the imprudence to lay hands on him: This produced a conteſt; the youth was reſcued by his fellows, and the biſhop's robes were torn in the

Ruſhworth, vol. IV. p. 462.

* Clarendon ſays of this prelate, that, after the King had thought it neceſſary to make him archbiſhop of York, he carried himſelf ſo inſolently in the houſe of Lords, and out of the houſe to all perſons, that he became more univerſally odious than Laud had been; and that the hatred he had incurred was an encouragement to the Commons to ſend up a ſecond bill, with ſome little alteration, to remove biſhops. Williams was a man of cunning but not judgment, of an abject nature, without generoſity or honour; whilſt he was in diſgrace with the King, he made low court to the party in oppoſition, and performed many uſeful offices for them: the popularity he had acquired by this means making him of ſome conſequence, he was preferred by the King, to whom he ingratiated himſelf by flattering his religious prejudices, and betraying his friends who had ſupported his character at the time when he was perſecuted by Laud, and ill-treated by the court.

† The apprentices aſſert in their petition, that they are engaged by the late proteſtation to defend the King's rights, the liberties of parliament, and the ſubjects in general, againſt Papiſts and Popiſh innovations; ſuch as archbiſhops, biſhops, and their dependants, appear to be. This is the firſt time that this uſe had been made of the proteſtation. *Ruſhworth*, vol. IV. p. 462.

ſcuffle.

ſcuffle. Williams, tranſported with paſſion and indignation, ſummoned all his fellow prelates who were in town, and propoſed to them to join in a proteſtation, to be addreſſed to the King and the houſe of Peers. This propoſal being agreed to, he immediately prepared a paper, which ſet forth, "That though the biſhops had an undoubted right to ſit and vote in parliament, and ought to be protected by the King in this privilege, yet in going thither they had been menaced and aſſaulted by the multitude, to the danger of their lives, and could find no redreſs, upon ſundry complaints made to both houſes on theſe particulars; that as they could no longer with ſafety attend their duty in the houſe, they did proteſt againſt all laws, votes, and reſolutions, as null and void, which ſhould paſs during the time of their forced and violent abſence." This paper was directed to the King, with an humble deſire that he would ſend it to the Lords, and command that it ſhould be entered in the Journals of the houſe. The archbiſhop hurried to Whitehall for the royal approbation: Charles, ever precipitate in his determinations, entered with eagerneſs into the politics of the biſhops: "The houſe of Peers could do nothing in their abſence; this would affect the reſolutions of the lower houſe; this would put an effectual ſtop to the progreſs of the intended reformation; the houſe of Peers might eſpouſe the cauſe of biſhops with a warmth that might occaſion ſuch a diſagreement as ſhould oblige the Commons to give up their pretenſions in this point; or it might introduce a favourable opportunity to bring about a diſſolution." Thus ſanguine were the King's hopes

Ann. 1641.

Proteſtation of the biſhops.

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Ann. 1641. on every plauſible expedient that was propoſed to him. The paper was immediately delivered into the hands of the lord-keeper Littleton, with an injunction that he ſhould preſent it to the houſe as ſoon as it met †. Littleton, who was a ſtate-puritan * by principle, though a courtier in practice, burnt with a deſire to perfect a reconciliation with the prevailing party in the houſe of Commons: he had had an opportunity of ingratiating himſelf, by complying with their reſolutions in giving up his privilege of voting on the trial of Straſford; and finding that great uſe might be made of this proteſtation, he did not offer an objection, but, obſerving the ſtrict letter of the command, read it openly in the houſe of Lords, not without making ſome comments on it very much to the diſadvantage of the proteſting party. The aſſembly of Peers was at this time not only purged of the company of biſhops, but the Popiſh lords were likewiſe frightened away by the rage of the people. This proteſtation, therefore, to the confuſion and diſappointment of the King and the prelates, acted diametrically oppoſite to their expectations: the popular lords, in a tranſport of joy, cried out, that the hand of God now appeared in bringing that to paſs which they could never otherwiſe have effected. The houſe unanimouſly agreed to deſire an immediate conference with the Commons: the proteſtation was read by the keeper, and delivered to them with this advice, That

† The houſe had two days receſs during the Chriſtmas holidays.

* The oppoſers of the power of the crown were called State Puritans. *Rapin.*

he

he had received it from the King's own hand, with a command to preſent it to the houſe of Peers: he told them, in the name of that aſſembly, that the proteſtation containing matters of dangerous conſequence, extending to the deep trenching upon the fundamental privileges and being of parliaments, they thought fit to communicate it to the Commons, as a thing of great and general concernment. On the report of this conference, it was reſolved in the lower houſe, that the twelve biſhops who had ſigned the paper ſhould be accuſed of high-treaſon, for endeavouring to ſubvert the fundamental laws and being of parliaments. Mr. Glyn was ſent up on this errand: he deſired, in the name of the Commons, that the biſhops might be put in ſafe cuſtody. The Lords complied with the requeſt; the parties were brought to the bar as delinquents *, and then committed to the Tower †; Ann. 1641.

* Archbiſhop of York, biſhops of Durham, Coventry and Litchfield, Norwich, St. Aſaph, Bath and Wells, Hereford, Oxford, Ely, Glouceſter, Peterborough, and Landaff. The Commons having obtained this point, dropped their firſt proſecution againſt the thirteen biſhops. On this impeachment of the biſhops, Mr. Rouſe made a ſpeech to the houſe to perſuade them to interpoſe their authority to prevent the conſecration of three of the biſhops newly appointed: two of them had undergone that ceremony, and were already inveſted in their office.

Hall, biſhop of Norwich, had, at the inſtigation of Laud, written a treatiſe to vindicate the *jus divinum* of biſhops. Though this abſurd doctrine is ſtrongly inculcated in this work, yet it was done with too much moderation for the archbiſhop, who corrected it and improved it with his own hand, before he ſuffered it to be publiſhed. *Parl. Hiſt.* vol. X. p. 146, & *ſeq.*

† The two archbiſhops, Laud and Williams, having ever been of the ſame principles, and having only differed as their ſeveral intereſts thwarted each other, thoſe intereſts being now reconciled by the ſimi-

Ann. 1641. not an individual in either houſe having ventured to ſpeak one word in their vindication: one perſon ſaid, that " he did not believe them guilty of high-treaſon, but they were ſtark mad, and ought to be ſent to Bedlam *."

larity of their ſituations, became perfect friends, each of them expreſſing contrition for that mutual animoſity which had contributed to the overthrow of a ſuperſtition calculated to ſupport the prelates in power, pomp, and luxury.

* The diſgrace of the biſhops was celebrated with bonfires, and all ſorts of public rejoicings.

CHAP. III.

The King enters into new projects to ſubdue oppoſition.——His attorney brings into the upper houſe a charge of high-treaſon againſt the lord Kimbolton, and five members of the lower houſe.——The King goes to the lower houſe, with an intention to ſeize the five members.——They elude the danger by an eſcape.——Confuſion and terror of the public.——The King endeavours, but in vain, to ſoften their reſentment.——The parliament adjourn, and appoint a committee to ſit at Guildhall.——Complaiſance of the city to the parliament's committee.——The city petition the King.——He retires from Whitehall to Hampton-Court.——Re-meeting of parliament; with the triumphant return of the committee and the ſix accuſed members.——Declaration of the parliament againſt the King's proceedings.——They appoint themſelves a guard.——Petitions of the inhabitants of the county of Bucks.——The parliament ſecure the town and garriſon of Hull, and manifeſt other ſymptoms of diſtruſt.——The Scotch commiſſioners intereſt themſelves in the quarrel between the King and parliament.——The Commons make new attempts to wreſt the power over the militia from

from the King; and publiſh a declaration for putting the kingdom into a poſture of defence.——The parliament re-adjourn, and appoint a committee to ſit at Grocers Hall, with a guard.——New projects of the King.——Caution of the Commons.——They impeach Sir Edward Herbert, the King's attorney.——The Lords paſs ſentence on him.——Mr. Pym's ſpeech to the Lords on the ſtate of public affairs.——Proceedings againſt the duke of Richmond.——Farther proceedings on the militia.——Various petitions.——Harmony between the two houſes.——The bill for depriving biſhops, &c. with the preſſing act, paſs the Lords.——Farther proceedings againſt the impeached biſhops,—And on the militia.——The queen leaves the kingdom.——The royal aſſent given to the bill againſt biſhops, and the preſſing act.——Impeachment againſt the lord Digby.——The King denies his aſſent to the parliament's ordinance on the militia.——Spirited tranſactions of the parliament.——The King retires northward.——Acts paſſed.——Affairs of Ireland.

NOTWITHSTANDING the advantage the biſhops had given their adverſaries, yet the cauſe of Liberty was more triumphant in appearance than in reality. The cloſe conjunction of the Popiſh and prelatical factions, a ſtrong combination of ſelf-intereſt with prejudice, formed a powerful oppoſition againſt the deſigns of the patriot party. The King had ſo great an influence in the lower houſe, that it was with difficulty the popular members could carry any material point againſt him, as appears in the votes on the remonſtrance. He yet maintained a majority among the Peers, notwithſtanding the confinement of the biſhops; they having, after this event, refuſed to join with the lower houſe in their petition for a guard, Ann. 1641.

Ann. 1641. and, though earneſtly ſolicited, declined going on the excluſion-bill. The zeal of the multitude, if not continually fed with fuel, ſoon cools; and even now the treachery of the court began to be leſs apprehended, and the King's ſuppoſed connivance at the Iriſh rebellion (which had generally gained belief, and excited the utmoſt diſguſt and horror) was ſo ſtiffly and obſtinately denied by the faction of royaliſts, that it was treated with an univerſal ſcepticiſm. Notwithſtanding the weakneſs and the wickedneſs of the King's adminiſtration, the known immorality of his political character, his acknowledged ſervitude to a ſuperſtitious intriguing woman, entirely governed by her prieſts; notwithſtanding the ſeverities and inconveniencies which this nation had experienced from monarchical and prieſtly government; notwithſtanding the virtue and abilities of the leaders in oppoſition, the righteouſneſs and rationality of their cauſe; notwithſtanding that the people, to the very loweſt orders, had already taſted the ſweets of Liberty; ſuch is the fluctuating temper of the common herd of mankind; ſuch their want of conception in every article of political happineſs; ſuch their attachment to eſtabliſhed forms, however pernicious and erroneous; ſuch their obedience and blind faith in thoſe that are their ſuperiors in fortune and in rank; that the current began to change. Had the King remained quiet and avoided giving any farther diſguſt, had he patiently waited that fortune which accident and the caprice of human nature was preparing for him, the tide of bigotry to kings might have returned ſtronger than

than it had ebbed, and bore down with it all thoſe Ann. 1641.
bulwarks which the champions of Liberty had erected for the new-acquired rights they had obtained for the people. Such evil was not at this time to be the portion of GREAT BRITAIN.

CHARLES, whoſe ſanguineneſs of diſpoſition, on any favourable appearance, was equal to his dejection of ſpirit in contrary circumſtances, grew elated to a high degree at the flattering account which his creatures daily gave him of the ſituation of his affairs. The party in oppoſition were repreſented as driven to their laſt ſhifts; that many of them, foreſeeing they ſhould be forſaken by the people, to avoid puniſhment, intended to fly the country. Such was the confidence which this dawn of fortune inſpired into the royal party, that Falkland accepted of the office of ſecretary of ſtate *, Sir John Colepeper that of chancellor of the Exchequer, and Mr. Hyde was promiſed a preferment ſuitable to his merit. Charles, intoxicated with this returning proſperity, determined at one ſtroke to ſubdue his half-vanquiſhed enemies, and open a way by which all the conceſſions which had been extorted from him might be reſcinded. Acherley's Britannic Conſtitution, p. 412.

* Sir Henry Vane's diſmiſſion from this office gave ſo much chagrin to the Commons, that he, with the earl of Saliſbury, was ſpecially recommended to the King, to be re-taken into his ſervice. Sir Henry Vane junior, the ſon of the ſecretary, being diſmiſſed from the office of treaſurer of the navy, it was voted, that the houſe would take it into conſideration when they ſhould conſider the next bill for tonnage and poundage. *Journals of the Commons*, vol. II. p. 360.

WHEN

Ann. 1641. WHEN the lord Saville, in conſequence of his ſucceſsful forgery, had overwhelmed his rival Strafford with the vengeance of an enraged parliament, he, betraying his friends and aſſociates, informed the King, that the Scots had had a general invitation, from the leaders of the diſcontented party, to invade England; and that many of his ſtaunch oppoſers in parliament had been of the cabal. On this intelligence, the King undertook a journey to Scotland, to furniſh himſelf with matter for an accuſation, and, by the force of bribery and flattery, to break the engagement between the Scottiſh and Engliſh leaders. It is ſaid, he ſucceeded ſo far as to diſcover that thoſe who were the active and leading men in both houſes of parliament had not only encouraged but ſolicited the Scotch invaſion *. He was prevented from making an immediate uſe of this information by the outcry which the Iriſh maſſacre had raiſed againſt him, and by the fears and jealouſies which the rumour of a conſpiracy at Edinburgh, to take off by aſſaſſination the marquis of Hamilton and the earl of Argyll, had occaſioned in the Engliſh parliament. Preparatory, however, to

* It is ſuppoſed to have been Montroſe who diſcovered ſeveral particulars to the King. He could not prevail with Wareſtoun to give up the invitation forged by the lord Saville, which had been entruſted to his hands. It is ſurpriſing that the King ſhould have ſo eager a deſire to poſſeſs this paper, ſince he knew that it was forged by Saville, the man who, notwithſtanding this intelligence, he had promoted. Wareſtoun, not knowing what uſe the King intended to make of it, excuſed himſelf from delivering it, cut out the ſubſcriptions, and ſent each to the perſon for whom they were forged. *Burnet's Hiſtory of His Own Times*, vol I. p. 29.

this

this important enterprize, he diſmiſſed the guards Ann. 1641.
which this aſſembly had raiſed for their ſecurity, took away the care of the Tower from the earl of Newport, and placed Sir Thomas Lunsford in the office of lieutenant; a man, who, as Clarendon ſays, was only Clarendon's Hiſt. vol. I. p. 280.
known by the diſadvantage of an ill character, who would be faithful for the obligation, and execute any thing that ſhould be required of him. The inſtant and peremptory demands of the populace obliging the King to diſmiſs Lunsford, Sir John Byron, another creature of the court, was put in his place; and a regiment of diſbanded reformadoes * entertained at the royal palace. The Commons, ever ſuſpecting treachery on the King's part, were juſtly alarmed at theſe ſuſpicious circumſtances, and continued to petition for a guard; appointing a committee to ſit in the city, during their receſs of three days, to receive the King's anſwer, and tranſact this buſineſs. The King, for very important reaſons, continued deaf to the ear- Rapin, vol. XI. P. 304.
neſt deſire of the Commons, and ſent them word, That he was wholly ignorant of the grounds of their apprehenſions; if he had any knowledge or belief of the leaſt deſign of violence againſt them, he would purſue the contrivers of it with the ſame ſeverity and deteſtation that he would do the greateſt attempt on his crown; and he engaged ſolemnly, on the word of a King, that the ſecurity of all and every one of them from violence was and ſhould ever be as much his care as the preſervation of himſelf and children; and

* The parliament had theſe reformadoes in ſo great diſtruſt, that they were diſbanded on their firſt meeting, before the reſt of the Engliſh troops.

if

Ann. 1641. if this general aſſurance could not ſuffice to remove their apprehenſion, he would command ſuch a guard to wait upon them as he would be reſponſible for to Him who had charged him with the ſafety and protection of his ſubjects. The populace of London had entirely diſperſed, and the King ſent to his good friend the lord-mayor and the common-council of London to take meaſures to prevent their re-meeting.

On the third of January, the day the parliament met after their receſs, the Commons received the King's denial to their requeſt for a guard of their own appointing. In the afternoon of the ſame day, Herbert, the attorney-general, informed the Lords, that he had ſomewhat of importance to communicate to them from the King, who had commanded him to accuſe the lord Kimbolton *, a member of that houſe, and five members of the houſe of Commons, of high-treaſon; that his majeſty had himſelf delivered him in writing the articles on which he accuſed them. —Thus ſaying, he read the following engroſſed impeachment:

Parl. Hiſt. vol. X. p. 156, & ſeq.

"That the accuſed members had endeavoured to ſubvert the fundamental laws of government, to deprive the King of his regal power, and to place in his ſubjects an arbitrary and tyrannical power:

"That they had, by foul aſperſions on his majeſty and government, endeavoured to alienate the affections of his people, and to make his majeſty odious:

* Son to the earl of Mancheſter.

"That

"That they had endeavoured to draw his late army into diſobedience to his commands, and to ſide with them in their traitorous deſigns: Ann. 1641.

"That they had traitorouſly invited and encouraged a foreign power to invade his majeſty's kingdom of England.

"That they had traitorouſly endeavoured to ſubvert the very rights and being of parliament:

"That they had by force and terror compelled the parliament to join with them in their traitorous deſign; and to that end had actually raiſed and countenanced tumults againſt the King and parliament; and that they had traitorouſly conſpired to levy, and had actually levied, war againſt the King."

Mr. Attorney, having read the articles of impeachment, farther ſaid, that he was charged to deſire, on his majeſty's behalf, firſt, That a ſelect committee, under a command of ſecreſy, ſhould be appointed to take the examination of ſuch witneſſes as the King would produce in this buſineſs, as formerly had been done in caſes of the like nature; ſecondly, Liberty to add and alter, if there ſhould be cauſe; thirdly, That their lordſhips would take care for ſecuring the perſons, as in juſtice there ſhould be cauſe.

Amazement ſeized the Lords on hearing both houſes of parliament in a manner accuſed of high-treaſon; every act which had been made to ſecure the people from any future attempt on their Liberties, condemned as irregular, and extorted by violence; and themſelves

Ann. 1641. requeſted to perform ſo unconſtitutional an act as to commit five members of the lower houſe, over which they had no power. When the aſſembly had a little recovered their ſurprize, they appointed a committee to examine the regularity of this proceeding, whether there ever had been ſuch a one, and whether an accuſation againſt a peer might be brought into their houſe by the attorney-general. They took no other notice of the accuſation againſt the five commoners but by acquainting their houſe, that ſome of their members were accuſed of high-treaſon *.

WHILST this ſcene was acting in the houſe of Lords, the Commons were informed, that Sir William Flemming, Sir William Killigrew, and others, were at Mr. Hollis's and Mr. Pym's, ſealing up their trunks, doors, and papers. On this intelligence, the Commons ordered their ſerjeant to go and break open the ſeals, and apprehend thoſe who put them on; and

* Clarendon ſays, that it was the lord Digby who adviſed the King to this accuſation; and promiſed him, that as ſoon as the attorney-general had read the impeachment, he would move for the commitment of the lord Kimbolton; that, on the contrary, he ſeemed more ſurprized and perplexed at the event than any other member in the houſe; and, ſitting next the lord Kimbolton, whiſpered him with ſome emotion, that the King was miſchievouſly adviſed, that to prevent farther evil he would know immediately whence the counſel proceeded; that ſo ſaying, he retired in great confuſion. Clarendon is of opinion, that if Digby had performed his promiſe it would have raiſed a very hot diſpute in the houſe. This opinion proceeded rather from the ſame ſanguineneſs of diſpoſition which had betrayed the King and Digby into the ill-timed accuſation, than from juſt grounds. It is likely that Digby's timidity was occaſioned from the unexpected appearance of reſentment he ſaw in the houſe. *Clarendon's Hiſt.* vol. I. p. 282.

paſſed

paſſed an order, That if any perſons whatever ſhould come to the lodgings of any member of the houſe, and offer to ſeal his doors, trunks, or papers, that then ſuch member ſhould require the aſſiſtance of the conſtable to keep ſuch perſons in ſafe cuſtody till the houſe ſhould give farther orders; that if any perſon ſhould offer to arreſt or detain any member, without firſt acquainting the houſe therewith, it ſhould be lawful for ſuch member to ſtand upon his defence, and for any perſon to aſſiſt him, according to the proteſtation taken to defend the privileges of parliament. A conference on the ſubject of this breach of privilege being immediately demanded of the Lords, the Commons entreated that aſſembly to join in a requeſt to the King to remove the guards at Whitehall; and that the parliament might have ſuch a guard as ſhould be approved of by his majeſty and both houſes; that their lordſhips would join in vindicating the privileges of parliament; and if a guard could not be obtained, that they would take into conſideration the adjourning to a place of ſafety. Ann. 1641.

ON the ſubject of this conference the Lords paſſed the following orders: That all the chambers, ſtudies, and trunks belonging to Mr. Hollis, Mr. Pym, Mr. Hampden, or to any member of parliament, that have been ſealed up and locked, ſhall be forthwith unſealed and unlocked, and left to their free uſe and diſpoſure; that this houſe will join with the houſe of Commons in an humble petition to the King for a guard in the ſame manner as they deſire, and that it ſhall continue as long as the King and both houſes ſhall think fit.

Ann. 1641. On this day of buſineſs, Francis, the King's ſerjeant at arms, came to the houſe with a meſſage from the King: on being admitted, he informed the ſpeaker, that he was commanded by the King's majeſty on his allegiance to require of him five gentlemen, members of the houſe of Commons; and that theſe gentlemen being delivered, he was ordered to arreſt them, in the King's name, of high-treaſon; that the names of the five gentlemen were, Mr. Hollis, Sir Arthur Haſlerig, Mr. Pym, Mr. Hampden, and Mr. William Strode. On this meſſage, the Commons with great calmneſs diſcharged the ſerjeant, and ordered Sir John Colepeper, the preſent chancellor of the Exchequer, lord Falkland, ſecretary of ſtate, Sir Philip Stapleton, and Sir John Hotham, to attend his majeſty, and acquaint him, That his meſſage was a meſſage of great conſequence, as it concerned the privileges of parliament, and therein the privileges of all the Commons of England; that they would take it into ſerious conſideration, and would attend his majeſty with an anſwer, in all humility and duty, and with as much ſpeed as the greatneſs of the buſineſs would permit; and, in the mean time, the houſe would take care that thoſe gentlemen mentioned in the meſſage ſhould be ready to anſwer any legal charge laid againſt them. After this, the ſpeaker, by the command of the houſe, enjoined the accuſed members to give their attendance *de die in diem**. On the morning of the ſucceeding day, the King not

* A committee of both houſes having been ſent to the King to remonſtrate on this breach of privilege, he told them, that the houſe ſhould have an anſwer as ſoon as it was ſet.

having

having ſent a ſatisfactory anſwer to the joint petition of both houſes for a guard, the Commons teſtified to the Lords their uneaſineſs on this head, becauſe they had received information, that the gentlemen of the inns of court had been dealt with to come armed to Whitehall when they ſhould be required*; and that a ſcandalous paper had been publiſhed, to the injury of ſome members of both houſes, containing articles of high-treaſon againſt them; they deſired the Lords to join with them in finding out the authors, and bringing them to condign puniſhment †. The King, on the return of his ſerjeant empty-handed, entered on the execution of the laſt part of his project; viz. the going himſelf in perſon with an armed force, taking the houſe at a ſurprize, and ſeizing the five members ‡. This was determined on the receipt of the meſſage from the Commons; but the morning bringing more timid reflections, the King went to the queen's apartment, and expoſtulated with her on the Ann. 1641.

* They received a meſſage, the night before they were examined, to keep within the ſucceeding day, and be ready at an hour's warning, if his majeſty ſhould have occaſion to uſe them. The articles of accuſation againſt the ſix members were likewiſe ſent to them. *Ruſhworth*, vol. IV. p. 476.

† An order paſſed the Commons' houſe, that the trained-bands of the city of London ſhould be put in readineſs for the ſafety of the King's perſon, the city, and the commonwealth; and that there ſhould be a ſtrong guard and watches ſet at all places convenient about the city. *Journals of the Commons*, vol. II. p. 366.

‡ According to a plan which had been previouſly laid, Lilly ſays, that all Chriſtmas time there were private whiſperings in court, and ſecret counſels held by the queen and her party, with whom the King ſat in council very late many nights. *Lilly*, p. 57.

hazard

Ann. 1641. hazard of the attempt, expreſſing ſomething like a determination of not putting it in execution. The queen was tranſported with paſſion at this want of reſolution: "Go, coward! exclaimed this imperious woman, pull theſe rogues out by the ears, or never ſee my face more." The ſubmiſſive huſband obeyed, and went ſtrait to the houſe of Commons, with a train of five hundred followers. The houſe having received intimation of the King's intention *, ordered the five members to withdraw, leſt the houſe ſhould be engaged in blood †. This order was hardly obeyed when the doors were flung open, and the King ap-

* One captain Langriſh ruſhed through the King's train, and brought the houſe intelligence of his hoſtile appearance: at the ſame time the aſſembly was informed, by one of its own members, that endeavours would be uſed that day to ſeize the five members. It is ſaid, the intimation came from the counteſs of Carliſle, who overheard the dialogue between the King and queen. Clarendon hints, that it came from William Murray, of the bed-chamber: but the ſuſpicions of this author are ſeldom well grounded. Murray was ſo far from acting as a ſpy for the oppoſition, that, in a reſolution of the Commons' houſe, he, among others, is particularly objected to, as improper to be truſted about the perſon of the King. Lilly the aſtrologer ſays, that whilſt he was at dinner at Whitehall, Sir Peter Wich, one of the court attendants, burſt into the room, and broke open the cheſt which contained the arms: the action frighted the whole company; and one of them ran to inform ſome members of the Commons' houſe, that the King had hoſtile intentions. *Lilly's Obſervations of the Life and Death of King Charles*, p. 59.

† Mr. Strode was unwilling to withdraw; but the houſe inſiſted on his obedience, to prevent the inconvenience of defending their privilege by force of arms. The ſix members repaired for ſhelter to a houſe in Coleman ſtreet in the city. The lord Digby was mad enough to offer to go with a ſelect company of gentlemen, and to bring them away, or leave them dead on the place. *Clar. Hiſt.* vol. I. p. 283.

pear-

peared: he walked immediately up to the chair, and Ann. 1641.
ſaid, "By your leave, Mr. Speaker; I muſt borrow your chair." After having ſtood in it ſome time, and eyed the members as they roſe up uncovered to receive him, he aſked the ſpeaker, whether he ſaw any of the accuſed members, and where they were? The ſpeaker, falling upon his knee, replied, "I have neither eyes to ſee, nor tongue to ſpeak, in this place, but as the houſe is pleaſed to direct me, whoſe ſervant I am here; and humbly beg your majeſty's pardon that I cannot give any other anſwer than this to what your majeſty is pleaſed to demand of me." On this the King told the houſe, he had ſent a ſerjeant at arms to apprehend ſome that, by his command, were accuſed of high-treaſon, unto which he expected obedience, and not a meſſage; that he muſt declare unto them, that albeit no King that ever was in England ſhould be more careful to maintain their privileges than himſelf, yet he muſt let them know, that in caſes of treaſon no perſon had privilege; and therefore he was come to know if thoſe perſons he had accuſed were amongſt them, for ſo long as that was the caſe, he could not expect that the houſe would be in the right way he did heartily wiſh it; he was come to tell them, he muſt have the perſons accuſed whereſoever he could find them *; that ſince the birds were all flown, he did expect that the houſe would ſend them unto him as ſoon as they returned, otherwiſe he muſt

* An evidence that he meant to uſe force had they been in the houſe; though he afterwards called God to witneſs, that he did not intend violence. *Clar. Hiſt.* vol. I. p. 341.

take

Ann. 1641. take ſome other courſe to find them; he never did intend force, but to proceed in a legal and fair way; and whatſoever he had done in favour, and to the good of his ſubjects, he meant to maintain. Thus having ſaid, the King retired in ſome confuſion, many members crying out, "Privilege! Privilege*!"

THE houſe adjourned itſelf till the next day. Great was the confuſion and terror of the public on this event. The accuſed members removed themſelves into the city; the inhabitants of which were the whole night in arms. Alarms of various kinds were raiſed, that the cavaliers and Papiſts were come to fire the city, and that the King was at the head of them. The next morning, orders having been ſent to the lord-mayor to call a common-council, Charles, attended by three or four lords, went to Guildhall: he told the council, that he was come to demand ſuch perſons whom he had accuſed of treaſon, and did believe they were ſhrouded in the city; he hoped no good man would keep them from him; their offences were treaſon and miſdemeanors of an high nature: he did deſire their loving aſſiſtances therein, that they might be brought to a legal trial; and whereas there were divers ſuſpicions raiſed that he was a favourer of the Popiſh religion, he did profeſs, in the name of a King, that he did, and ever would, and that to the utmoſt of his power, be a proſecutor of all ſuch as ſhould anywiſe oppoſe the laws and ſtatutes of the kingdom, either Papiſts or ſeparatiſts; and not only ſo, but would maintain that true Proteſtant religion which his father did profeſs. Certainly the King was yet intoxicated with the entertainment he had received from the city, and fondly imagined, that in the flattery of the lord-mayor and a few of the aldermen was included the ſentiments of all the men of property in London; otherwiſe he could never have imagined by ſuch means to get poſſeſſion of the five members, or have thought this an occaſion to acknowledge himſelf ſtrongly attached to his father's ſuperſtition, and an inveterate oppoſer of that alteration in religion which was at this time univerſally deſired. Charles, who thought that the ſmiles of majeſty had an irreſiſtible influence on the affections of men, put on airs of popularity, and, after uſing many gracious expreſſions of the eſteem he had for the company, told one of the ſheriffs, who was known to be attached to the parliament, that he would dine with him. He had the mortification, however, to depart without receiving any mark of applauſe or approbation. As he returned home, he was followed by the people, but received no other inſult than a paper flung into his coach by a pamphlet-writer, whereon was written theſe words, "To your

The King endeavours, but in vain, to ſoften the reſentment of the public.

* The Commons had ſent a meſſage the night before, complaining, that the King had infringed their privileges in ſending his ſerjeant to their houſe to ſeize their members. On the delivery of this meſſage, the King returned, that he would ſend an anſwer the next morning as ſoon as the houſe was ſet. To the lords, who had been ſent from the upper houſe to ſolicit a guard, he ſaid, he could not give a preſent anſwer, by reaſon of ſome weighty affairs that were then before him; but he believed he ſhould ſend one either that day or the morrow. This was on the morning of the day on which he went to ſeize the five members. *Ruſhworth*, vol. IV. p. 476. *Parl. Hiſt.* vol. X. p. 162.

Ann. 1641. your tents, O Iſrael*!" the croud contenting themſelves with crying out, "Privilege of parliament! Privilege of parliament†!"

Clar. Hiſt. vol. I. p. 284. A PROCLAMATION was iſſued out the next day for the apprehenſion of the ſix members‡; with a prohibition to all perſons to harbour them; and the articles of their charge were printed and diſperſed §.

* The words uſed by the Iſraelites, when they abandoned their weak and tyrannical prince Rehoboam.

† Lilly ſays, that the King had no incivility, in the leaſt meaſure, offered to his perſon; only many cried out as he paſſed the ſtreets, "Sir, let us have our juſt liberties; we deſire no more." *Lilly*, p. 61.

‡ Mr. Hollis and Mr. Strode had already ſuffered many years impriſonment, after the diſſolution of that parliament which immediately preceded the twelve years of arbitrary government without parliaments. *May's Hiſt.*

§ Clarendon, at the ſame time that he vindicates the legality of the King's proceedings, takes great pains to exculpate himſelf and friends, Falkland and Colepeper, from being the adviſers of the project; aſſerting, That notwithſtanding they had inliſted in the ſervice, under promiſe that the King would enter into no new counſels without their advice, they were abſolute ſtrangers to meaſures they deteſted, and of which they could not avoid being looked upon as the authors. If this is true, it proves undeniably, that, however honourable the terms were on which this triumvirate accepted of office, they were too much intoxicated with its charms to ſuffer any nice care of reputation, or delicate idea of honour, to deprive them of its poſſeſſion; ſince, from the accuſation of the ſix members, in the upper houſe, there was time enough for theſe new officers of ſtate to interpoſe their ſalutary advice to the prevention of the other more unjuſtifiable proceedings. The King, notwithſtanding his promiſe, perſiſted in governing himſelf by the counſels of others, to the great detriment of their reputation; and their reſentment on this produced only an inclination not to be chief ma-

The houſe of Commons only met to vote, that the King had violated the privilege of parliament; that they could not ſit any longer at Weſtminſter, without a full vindication of ſo high a breach of privilege, and a guard for the ſafety of their perſons*: it was reſolved to adjourn till the eleventh†. A committee of twenty-five was appointed to ſit in Guildhall, to Ann. 1641. The parliament adjourn.

managers of his buſineſs in the lower houſe. Falkland, Colepeper, and Hyde, were taken into the King's ſervice by the eſpecial recommendation of the lord Digby. Falkland had ſcruples on undertaking ſo invidious a taſk, leſt more ſhould be expected from him than he could honeſtly comply with; but Hyde perſuaded him out of theſe. Indeed the ſcruples of the latter ſeem not to be very nice; he laments, that the King did not, previous to the accuſation, apprehend the ſix members, and keep them in ſuch cloſe cuſtody that nobody ſhould have heard from them, nor they from one another: "All which, ſays he, would not have been very difficult; and then the high ſpirits of both the houſes might have been dejected enough to have been treated withal." It is a queſtion, which of the two, Digby or Hyde, were more erroneous in their notions concerning the laws of the conſtitution, and the temper of the times: Hyde gravely cenſures the ſecrecy with which the intention of accuſing the ſix members was kept, becauſe it prevented the King's friends from taking advantage of the conſternation of the houſe to preſs ſomething to his ſatisfaction. *Clarendon's Hiſt.* vol. I. p. 268, 284, 306.

* The firſt order paſſed was, That the door ſhould be locked, the key brought up, the outward rooms cleared of all perſons but the ſervants of the members; that no member ſhould go out without leave; and that ſome of the ſervants ſhould be ſent to ſee what numbers of people were repairing towards Weſtminſter. *Nalſon*, vol. II. p. 823.

† The Lords adjourned themſelves till the time fixed for the re-meeting of the Commons, and appointed a committee for Iriſh affairs, which ſhould have power to adjourn themſelves from time to time, and from place to place, as they ſhould ſee cauſe. *Parl. Hiſt.* vol. X. p. 168. *Nalſon*, vol. II. p. 822.

Ann. 1641. Journals of Commons, vol II. p. 368.

consider of all things concerning the good and safety of the city and kingdom; and particularly how the privilege of parliament might be secured. This committee had the direction of the Irish affairs; and all that chose to attend had voices. A message was sent to the Lords, to acquaint them with what had passed the day before, and with their resolutions.

Complaisance of the city. Clar. Hist. vol. I. p. 285.

The reception which the committee of the Commons' house found from the city was of the most respectful kind: a guard of substantial citizens ready to attend them; a committee of the common-council appointed to bid them welcome, and to assure them, that the city would protect them from violence; that the guard should be relieved twice a-day, if they resolved to sit morning and afternoon; and, that the city might know their pleasure, and what was required of them, they had appointed a committee of aldermen and common-council-men to meet at the same hour they met. Nor were these all the marks of affection which the city of London shewed to the parliament and their cause. They presented a petition to the King, expressing their fears and distractions by reason of the progress of the bloody rebellion in Ireland, fomented by the Papists in England and their adherents; the want of aid to suppress them; the several intimations they had had, both foreign and domestic, of the driving on designs tending to the utter ruin of the Protestant religion, and the lives and liberty of the subject; the putting out persons of trust from the charge of the Tower; the preparations there lately

They petition the King. Husband's Collections, 4to ed. 1643, p. 45, & seq.

lately made; the fortifying Whitehall with men and munition, in an unusual manner *, some of which men, with provoking language and violence, had abused and wounded the citizens; the late endeavours used to the inns of court; the calling-in cannoneers and other assistance into the Tower; the late discovery of divers fireworks in the hands of a Papist; and the misunderstanding between his majesty and the parliament; the fears of the petitioners being exceedingly encreased by his majesty's late going into the house of Commons, attended by great multitudes besides his usual guard, for the apprehending of divers members of that house, to the endangering his sacred person, and the persons and privileges of that honourable assembly; the effect of these fears tending to the overthrow of trade, and threatening the ruin of the Protestant religion, and the liberty of the subject. The petitioners therefore prayed, that, by the advice of the parliament, the Protestants in Ireland might be speedily relieved; the Tower put into the hands of persons of trust; unknown and doubtful persons might be removed from about Whitehall and Westminster; an approved guard appointed for the safety of his majesty and the parliament; and that the lord Kimbolton, and the five members of the house of Commons, lately accused, might not be re-

Ann. 1641.

* The committee of the Commons' house had received information, that on the fourth of January, the day in which the King came to the lower house to seize the five members, the lieutenant of the Tower permitted one hundred arms, two barrels of powder, and match and shot proportionable, to go out of the Tower to Whitehall. *Rushworth*, vol. IV. p. 480.

strained

Ann. 1641. ſtrained of liberty, or proceeded againſt otherwiſe than according to the privilege of parliament *.

It was reſolved by the committee of the Commons' houſe, that the ſheriffs of London and Middleſex ſhould raiſe the *poſſe comitatus* for their ſafe coming to Weſtminſter, the day that aſſembly ſhould meet again. On this occaſion the watermen and ſailors tendered their ſervice to guard them by water; and the apprentices to accompany them by land. The firſt offer was accepted, but the laſt was civilly refuſed †.

* In the exordium the petitioners ſay, That his majeſty's frequent declarations of his great care of the good and welfare of the city, of the true Proteſtant religion, and of protecting and preſerving the perſons and privileges of his great council aſſembled in the high court of parliament, encouraged them to addreſs him on theſe ſubjects. The King, in his anſwer to this petition, ſays, That he had removed Lunsford, a ſervant of good truſt and reputation, from the charge of the Tower, only to ſatisfy the fears of the city. He farther aſſerts, That if the petitioners conſidered the gentle way he took for the apprehenſion of thoſe he had accuſed of high-treaſon, which he preferred before any courſe of violence, they would believe his going to the houſe of Commons was an act of grace and favour to that houſe, and the moſt peaceable way of having ſo neceſſary a ſervice performed. *Ruſhworth*, vol. IV. p. 480, *&* *ſeq.* *Huſband's Collections*, p. 45, *&* *ſeq.*

† The committee told them, that they were ſenſible of their former readineſs to guard the parliament; they hoped to ſee them have redreſs in due time; but deſired them to ſtay at home the day the houſes met. A ſhip which at this time arrived in the Thames, loaded with arms and ammunition, raiſed the ſuſpicion of the committee: they ordered her to fall down the river out of the command of the Tower, and that the maſter of her ſhould call to his aſſiſtance a ſufficient force to reſiſt any endeavours which ſhould be made to take her lading out of her: by an order of parliament, the ammunition with which this ſhip was ſtored was ſent to Ireland.

In the ſpeeches which were made on the occaſion of the late high breach of privilege, Mr. Grimſtone aſſerted, among many other articles,

Charles began now ſeverely to feel thoſe diſtreſſes Ann. 1641.
and difficulties into which his conduct had driven him. It has been repreſented, that, before this meaſure, his affairs began to wear a favourable aſpect; all the ſtaunch adherents to monarchy, and idolaters

cles, That it was a privilege of parliament, not to be broken off or diſſolved till all the grievances and oppreſſions of the ſubject were fully redreſſed and remedied; that it was a privilege of parliament, not to be broken off or diſſolved till all incendiaries and delinquents of the ſtate were brought to condign puniſhment. Mr. Glyn, on the ſame occaſion, aſſerted, that to cauſe any information to be brought or preferred againſt any member of parliament into the houſe, without the conſent of the houſe, was a breach of privilege; to proſecute and proceed againſt them upon ſuch an accuſation, without the conſent and advice of parliament, was a breach of privilege; to endeavour to create an evil opinion in the hearts of the ſubject againſt ſuch accuſed members was a breach of privilege; for any officer or ſerjeant to come in open parliament to demand and arreſt any ſuch member accuſed, be it of high treaſon or any crime whatſoever, without the knowledge of the whole houſe, was a breach of the privilege of parliament; to ſet forth any proclamation to apprehend ſuch accuſed perſons, or prohibit their repair to parliament as members thereof, without the advice and conſent of the whole ſtate aſſembled and ſitting in free parliament, was a manifeſt breach of privilege. Sir Simon d'Ewes, on the ſame occaſion, ſaid, that there was a double privilege of parliament, the one final and the other temporary; that its final privileges extended to all civil cauſes and ſuits of law; and the other, which was temporary, to capital cauſes, in which the perſons and goods of the members of both houſes were freed from ſeizure till the ſaid houſes were firſt ſatisfied of their crimes, and did deliver them up; that otherwiſe all privilege of parliament muſt be deſtroyed, and the houſes be deprived of their members on falſe and imaginary charges.——Arguments of a like nature as theſe urged by Sir Simon d'Ewes were uſed on a very recent occaſion, and undoubtedly had their weight, though not immediately operative; ſince the reſolution of giving up this important part of parliamentary privilege was cancelled in leſs than a year. *Journals of the Commons*, vol. II. p. 408. *Somers's Tracts*, vol. VI. p. 64, *&* *ſeq.* *Parl. Hiſt.* vol. X. p. 184, *&* *ſeq.* 188.

of

Ann. 1641. of old forms and ceremonies, of which there were not a few in both houſes of parliament, looked with diſguſt and horror on thoſe noble principles of Liberty on which it was obvious the leading members of the Commons' houſe intended to model the conſtitution. Theſe illuſtrious legiſlators laboured under the difficulties which ever attend deſigns of this nature, where the power of execution remains in the body of the people.

SOCIETIES whoſe ſyſtems of policy are framed on partial principles of convenience to the few, and not to the equal advantages and immunities of the whole, cannot admit of thoſe modes of education which perfect the reaſon of man, reaſon being an irreſiſtible enemy to ſuch ſyſtems. Under governments of this kind, the common herd of men are incapable of judging of argument, and muſt be led to action by their paſſions, not by their underſtandings. Pym, Vane, Hampden, and the other popular leaders, were too ſenſible of this neceſſity to truſt the public with their plan, or to attempt the explaining political truths to the vulgar and illiterate. To prevail with theſe to be the agents of their own happineſs, they endeavoured by every political art to keep up their diſguſt to the character of the King, and their apprehenſions of his treachery. The plot to bring the army againſt the parliament, the rumor of an intended aſſaſſination in Scotland, the Iriſh maſſacre, the petulant indiſcretion of ſeveral Papiſts and virulent royaliſts, had furniſhed them with fuel to ſupport, for ſome time, the flame of popular diſcontent: but paſſion is a prin-

a principle as unſteady and uncertain as judgment is cool and determined. Already the zeal of the populace began to ſubſide: the faction of the royaliſts were not idle: every plauſible quality in the King's character was exaggerated to a high degree of moral virtue; every probable excuſe was framed for his paſt conduct; every treachery with which he had been charged was denied; the attributes of piety, virtue, and honour were given to him: theſe, it was aſſerted, would prevent his harbouring malice againſt thoſe who had oppoſed him to the prejudice of his regal rights; theſe would prevent his undertaking any deſigns againſt the democratical principles they had introduced into the government: This being the caſe, concluded the royal partizans, it will be the wiſer conduct to enjoy our new-acquired rights with tranquility, and ſuffer our ſovereign to poſſeſs the remaining articles of prerogative untouched, rather than, by endeavouring at the attainment of ſuperior privileges, to unhinge a fixed government, and incur the dangers and inconveniencies of anarchy. Ann. 1641.

FALSE as were the poſitions on which theſe arguments were built, they began to have a prevalent effect, when the accuſation of the ſix members, and the aſſault on the houſe of Commons, determined the King's character, and made a full diſcovery of his ſentiments. There remained now no doubt, that his late condeſcenſion was not only conſtrained, but that he thought himſelf deſpoiled of his lawful authority; and that thoſe who had brought him into the neceſſity of parting with it, or had taken advantage of that neceſſity, were guilty of treaſon. In this caſe the parliament itſelf

Ann. 1641. could not be innocent. If the ſubverting the King's government was treaſon; viz. the depriving him of the power to impoſe taxes, impriſon his ſubjects, exerciſe martial law, innovate the eſtabliſhed form of worſhip, and aſſume a deſpotic power over the conſciences of his people; if this was treaſon, then was the whole parliament guilty. If the recital of the King's mal-adminiſtration, in the preambles of ſeveral acts of parliament, and particularly in the remonſtrance of the ſtate of the kingdom, were foul aſperſions on the King and his government, then was the houſe of Commons a principal offender. If by "placing in the ſubject an arbitrary and tyrannical power," was meant the enlarging the juriſdiction of parliament, and aſſuming an act by which that parliament was not to be diſſolved or prorogued without their own conſent, then were the majority of both houſes criminal in a high degree. If the appointing a guard of the trained-bands to watch over the ſecurity of parliament was raiſing an illegal force, then was the whole parliament involved in the ſame guilt as the ſix accuſed members. If the inviting the Scotch army to come into England was treaſon, then was the Scotch invaſion the higheſt act of treaſon; notwithſtanding it had been ſolemnly declared, by the mouth of the whole legiſlature of both kingdoms, that it was a laudable exertion of duty; then were the Scotch covenanters yet criminal, and the parliament of England guilty of treaſon in rewarding them with a preſent of three hundred thouſand pounds, and paying them the whole expence of their expedition, inſtead of enabling the King to ſubdue them by force of arms. If the parliament was compelled by violence

violence and terror to theſe acts, through tumults Ann. 1641.
raiſed and countenanced by the ſix members, then was every thing that had been done by this parliament null and invalid *. If the King was ſincere, when he declared himſelf tender of the liberties of his ſubjects, and tenacious of the privileges of parliament, at the ſame time that he intended an aſſault on the whole houſe, then his opinion of the liberty of the ſubject, and the privilege of parliament, was yet of a nature ſo peculiar as not to interfere with the higheſt acts of tyranny and uſurpation.

THIS was too obvious not to be the reaſoning of the moſt common underſtanding. Artifice to aggravate the King's actions was now no longer neceſſary; himſelf had proved every thing that his enemies had conjectured; and the majority of both houſes were now convinced of the neceſſity of curtailing a power which, it was apparent, would be uſed to ſuch pernicious ends †.

* On the reading the proteſtation of the twelve biſhops in the houſe of Peers, the lord Digby ſaid, that the parliament was not free, and that all acts, votes, and laws which ſhould be enacted in the abſence, and without the aſſent, of the biſhops, would be of none effect. This was ſo far reſented by the Lords as to occaſion them to paſs a vote, That the parliament was a free parliament. Intelligence of this paſſage having reached the Commons, they deſired, that lord Digby ſhould anſwer to the information, or otherwiſe be proceeded againſt as the parliament ſhould think fit: the hurry of more important matters prevented the farther proſecution of this buſineſs. *Parl. Hiſt.* vol. X. p. 151, *& ſeq.*

† "It could not be conceived, ſays Rapin, that, at a time when the moderate members began to unite in the King's favour, in order to eſtabliſh a ſolid peace, he ſhould run into an action ſo odious and obſtructive

Ann. 1641. The only queſtion which at preſent remained undetermined was, the bounds within which it would be expedient to confine it *. Charles, either apprehenſive of danger from the enraged multitude, or unable to bear the triumph of his enemies, retired to Hampton-Court the day before the appointed time for the re-meeting of parliament †.

The King retires to Hampton-Court.

Re-meeting of parliament, with the triumphant return of the committee, and the ſix accuſed members.

GREAT was the ſolemnity and ſtate with which the committee, and with them the ſix accuſed members, were conducted to Weſtminſter. The city trained-bands formed a triumphant and military proceſſion ‡.

ſtructive of it, had he not intended to ſubdue the parliament by force. *Rapin*, vol. XI. p. 328.

* The Lords were ſo ſurprized and alarmed at the King's pretenſions, that they inclined rather to truſt their privileges with the ſuppoſed levelling ſpirit of the times, than with the royal prerogative, in the hands of ſo determined a tyrant.

† It is ſaid that Mr. Pierpoint, an active member in the court-oppoſition, told the King, That, if he went away, a civil war muſt enſue; that, if he would ſtay, a little time and patience would bring all things to rights. This was the opinion of the moſt ſenſible of the King's party. The lord-mayor and the two new-knighted ſheriffs, Sir George Whitmore and Sir Henry Garroway, told him, That, if he went, he would leave the city open to his enemies, to do as they pleaſed; and that they were ſure to be the firſt undone: on the King's telling them, he was reſolved, Sir Henry Garroway ſorrowfully replied, "Then, Sir, I ſhall never ſee your face again." The earls of Eſſex and Holland, holding offices in the King's houſhold, were ordered to attend him on his journey; but ſuch an ill impreſſion had the public received of him, that theſe lords refuſed to go, on ſuſpicion of foul intentions againſt their lives. *Echard*, p. 522. *Clarendon's Hiſtory*, vol. I. p. 297.

‡ Some of the trained-bands carried upon the top of their pikes the proteſtation enjoined by parliament, and others the printed votes of the King's breach of privilege. *Echard*, p. 522.

The

The Thames was covered with boats and other veſſels, furniſhed with ordnance, and adorned with flags and ſtreamers ‡; nor was there wanting drums, trumpets, or any kind of martial muſic. When the reaſſembling of the parliament was ſignified to the multitude, the event was ſignalized by the ſound of trumpets, the beat of drums, the diſcharge of ordnance on the water, and muſquets on the land, intermixed with the loud ſhouts and congratulations of the people *; many of them, in deriſion, as they paſſed by Whitehall, crying, "What is become of the King and his cavaliers?" The houſe of Commons confirmed all the acts of their committee. A declaration which had been drawn up by their orders was agreed to and publiſhed: In this the Commons aſſert, that the ſealing up the chambers, ſtudies, and trunks of the accuſed members, by colour of the King's warrant, was both againſt the privileges of parliament and the common liberty of the ſubject; that the proceedings which followed were againſt the fundamental rights of the people: "Whereupon, ſays the declaration, we are neceſſitated to declare, that any per-

Ann. 1641.

Declaration of the parliament.

‡ The committee, and with them the ſix accuſed members, came to Weſtminſter by water, at the head of the naval proceſſion. *Rushworth*, vol. IV. p. 484.

* Such was the ambition of the public to ſignalize themſelves upon this occaſion, that they lamented as a misfortune not to have part in the actions of this day's ſolemnity. The militia of Weſtminſter, fearing that the Commons did not put that confidence in them as they did in the city trained-bands, preſented a petition expreſſive of much affection to the houſe, and of great grief and diſtraction at being ſuſpected to be wanting in duty and reſpect. *Nalſon*, vol. II. p. 839.

ſon

Ann. 1641. ſon that ſhall arreſt Mr. Hollis, &c. or any other members of parliament, by colour of warrant iſſuing from the King only, is guilty of the breach of the liberties of the ſubject, the privileges of parliament, and a public enemy to the commonwealth; and that the arreſting the ſaid members, or any other member of parliament, by any warrant ſoever, without conſent of that houſe whereof ſuch a perſon is a member, is againſt, &c. &c. *"

* The declaration further ſets forth, That, upon ſeveral examinations, it did fully appear, that ſoldiers, Papiſts, and others, to the number of five hundred, armed with ſwords, piſtols, and other weapons, attended the King to the houſe of Commons; that they preſſed up to the door of the houſe, thruſt away the door-keepers, and placed themſelves between the door, and the ordinary attendants on his majeſty held up their ſwords and piſtols, and cried, "I am a good markſman, I can hit right I warrant you;" that they would not ſuffer the door to be ſhut, according to the cuſtom of parliament, and aſſaulted and diſarmed ſeveral of the attendants of the members; that ſome of them ſaid, "When comes the word?" and expreſſed diſcontent that the members for whom they came were not to be found; on being demanded, what they thought their company intended to have done? they anſwered, "Queſtionleſs, in the poſture we were ſet, if the word had been given, we ſhould have fallen upon the houſe of Commons, and have cut all their throats." On all this, ſays the declaration, we are of opinion, that it is ſufficiently proved, that the coming of the ſaid ſoldiers, Papiſts, and others, with his majeſty to the houſe of Commons on Tueſday laſt, being the fourth of this inſtant January, was to take away ſome of the members of the ſaid houſe; and if they ſhould have found oppoſition or denial, then to have fallen upon the ſaid houſe in an hoſtile manner: And we do hereby declare, that the ſame was a traitorous deſign againſt the King and parliament. And whereas the ſaid Mr. Hollis, &c. did, with the approbation of the houſe, abſent themſelves from its ſervice, to avoid the inconveniencies which otherwiſe apparently might have happened; ſince which time a printed paper, in form of a proclamation, bearing date the ſixth day of this inſtant

THE houſe of Lords began the buſineſs of the day with voting, that it was fit and neceſſary to have a

Ann. 1641. The parliament appoint themſelves a guard.

inſtant January, hath iſſued out, for the apprehending and impriſoning of them, therein ſuggeſting, that, through the conſcience of their guilt, they were not willing to ſubmit themſelves to juſtice; we do farther declare, that the ſaid printed paper is falſe, ſcandalous, and illegal; that, notwithſtanding the ſaid paper, or any warrant iſſued out, or any other matter yet appearing againſt them, they may and ought to attend the ſervice of the ſaid houſe of Commons, and the committees now on foot; and that it is lawful for all perſons whatſoever to lodge, harbour, or converſe with them; and whoſoever ſhall be queſtioned upon the ſame ſhall be under the protection and privilege of parliament. And we do farther declare, that the publiſhing of ſeveral articles, purporting a form of a charge of high-treaſon againſt the lord Kimbolton, &c. by Sir William Killigrew, Sir William Flemming, and others of the inns of court or elſewhere, in the King's name, is a high breach of the privilege of parliament, a great ſcandal to his majeſty and his government, a ſeditious act manifeſtly tending to the ſubverſion of the peace of the kingdom, and an injury and diſhonour to the ſaid members, there being no legal charge againſt them; that the privileges of parliament, and the liberties of the ſubject, ſo violated, cannot be ſufficiently vindicated, unleſs his majeſty would be graciouſly pleaſed to diſcover the names of thoſe perſons who adviſed his majeſty to iſſue out warrants for the ſealing the chambers and ſtudies of the ſaid members, &c." After affirming, that the houſe of Commons would not protect any of their members in any criminal act that ſhould be in due manner proſecuted according to the laws of the kingdom, and the rights and privileges of parliament, the declaration finiſhes with a threatening clauſe againſt evil counſellors, and thoſe who ſhould endeavour to maintain diviſion between the King and parliament. On this ſubject the Commons afterwards paſſed the following reſolutions: That all privy-counſellors and great officers of ſtate ſhould be removed for the preſent, except ſuch as had offices by inheritance; that the King ſhould be deſired to receive only ſuch to be counſellors and great officers of ſtate as ſhould be recommended to him by parliament; that ſuch counſellors and officers of ſtate, whoſe names ſhould be preſented by both houſes, ſhould not have acceſs to the perſons and courts of the King and queen. The perſons particularly excepted againſt at this

time

Ann. 1641. ſtrong and ſufficient guard for the ſecurity of both houſes. On receiving, to their petition on this head, an anſwer, that the King would direct the lord-mayor to appoint two hundred men out of the trained-bands of the city, under the command of the earl of Lindſey, to wait on both houſes, they ordered Skippon, an officer who had ſerved long and with great reputation in the Dutch ſervice, a man univerſally eſteemed for the goodneſs of his morals, who had been appointed by the committee ſerjeant-major of the trained-bands, to attend with two companies, till he received directions to the contrary *. A petition from the county of Buckingham, offering aſſiſtance to defend the privileges of parliament, and praying that the Lords would co-operate with the houſe of Commons in perfecting the neceſſary work of reformation, bringing delinquents to puniſhment, ſpeedily relieving Ireland, and fortifying the privileges of parliament from future attempts, and putting the kingdom into a poſture of defence, this day preſented to the upper houſe, was brought up by four thouſand knights, gentlemen,

Clarendon's Hiſt. vol. I. p. 298.

Petition from the inhabitants of the county of Bucks.

time were, the lord Digby, William Murray (of the bed-chamber), Endymion Porter, William Crofts, and Sir John Wintour (ſecretary to the queen). *Parl. Hiſt.* vol. X. p. 298, *& ſeq.*

* It was ordered in the Commons' houſe, That the ſheriffs of London and Middleſex for the time being ſhould iſſue out warrants to raiſe as many of the trained-bands as ſerjeant-major Skippon ſhould give orders for; that the ſame ſerjeant-major Skippon ſhould have power to act on the offenſive and defenſive, in caſe of violence, to beat up drum, and raiſe not only trained-bands, but volunteers; that he ſhould command theſe; and the chamber of London ſhould iſſue out ammunition of all ſorts in ſuch proportion as he ſhould direct. *Journals of the Commons*, vol. I. p. 382.

and

and freeholders, every one wearing a printed copy of Ann. 1641.
the proteſtation in his hat. At the ſame time that they addreſſed the parliament, they petitioned the King, that Mr. Hampden and the reſt of the accuſed members might enjoy their juſt privileges. "They conceived, they ſaid, that the rights of parliament, to the maintenance of which they were bound by their proteſtation, were much injured by the treatment of theſe gentlemen, in whoſe foul accuſation the judgment of their electors was wounded *."

THE lord Kimbolton entreated the Lords not to permit him to lay under a charge which concerned his life, his eſtate, and his honor, but that they would command the attorney-general to proſecute the accuſation againſt him; he was ready to anſwer. On this requeſt, the attorney-general was commanded to declare what he knew concerning the proſecution. He, after having excuſed himſelf, on the expreſs command

* Mr. Hampden was knight of the ſhire for the county of Buckingham. The petitioners tendered their ſervice to the houſe of Commons, and prayed, that Popiſh lords, and biſhops, might be forthwith outed the houſe of Peers. The Commons gave them their particular thanks, aſſured them that they would ſpend their lives and fortunes in defence of the liberties of the ſubject: they were at preſent ſufficiently ſecured by the great care of the city; but if occaſion required their aſſiſtance, they ſhould have timely notice. The gentlemen and others of the county of Eſſex addreſſed the Lords in the ſame manner, and to the ſame purport, as the inhabitants of Buckinghamſhire. Petitions from the county of Devon, the county of Kent, Suffolk, and the city of Exon, were likewiſe delivered to both houſes. *Echard*, p. 522. *Nalſon*, vol. II. p. 840. *Journals of the Commons*, vol. II. p. 391, 420, 423.

Ann. 1641. of the King, for the part he had acted in this buſineſs, ſaid, "He did not yet know what courſe the King intended to take." The next day, the houſe received the following meſſage: "That his majeſty taking notice that ſome think it diſputable whether his proceedings had been legal, and agreeable to the privileges of parliament; and being very deſirous to give ſatisfaction to all men in all matters that may ſeem to have relation to privilege, is pleaſed to wave his former proceedings; and all doubts being by this means ſettled, when the minds of men are compoſed, he intends to proceed therein in an unqueſtionable way; and aſſures his parliament, that he will be as careful of their privileges as of his life and crown."

The parliament ſecure the town and garriſon of Hull.

THE attention of the Commons was engroſſed by a very important object. The arms and ammunition of the late army had been, by the King's command, laid up in the town of Hull: previous to the attempt of ſeizing the five members, he had ſent the earl of Newcaſtle, a man of great property and intereſt in the county (and who, in the ſtyle of the times, was an inveterate malignant *), down with a private commiſſion to be governor, and to draw into the town as many of the county, who were of the ſame ſtamp, as ſhould be neceſſary to guard the place. Captain Legge, who had been deep in the army plot, and was now under bail, was to have the charge of the town and the ammunition; and directions were given him

Parl. Hiſt. vol. X. p. 468.

* He was to have had the command of the army which was deſigned to be brought up to awe the parliament.

to

to draw in as many of the trained-bands as he could. This coming to the knowledge of the parliament, the lords who were bail for captain Legge were ordered to bring him in. The earl of Newcaſtle was ſent for by the Peers to attend his duty in the houſe; and matters being, as Clarendon ſays, not ripe enough for action, he was commanded by the King to obey the ſummons. The Commons took the alarm; and ſent to the Lords to inform them, that there was at Hull a magazine of the King's, with arms for ſixteen thouſand men, and proportionable ammunition; that no great ſtrength was in the town; and that the country about was full of Papiſts: therefore the Commons deſired their lordſhips would join with them in an order, that ſome companies of the trained-bands be immediately put into the town, under the command of Sir John Hotham *, who had the care of that place by patent from the King. The Lords immediately agreed to this requeſt, with the following addition: "That Sir John Hotham ſhall not deliver up the town of Hull, the magazine, or any part thereof, without the King's authority, ſignified to him by the Lords and Commons now aſſembled in parliament ‡.

Ann. 1641. Nalſon, vol. II. p. 856.

* The Commons had before ſhewn ſymptoms of jealouſy on this ſubject, and had made fruitleſs attempts to remove the ammunition at Hull to the Tower of London. *Nalſon*, vol. II. p. 447, 643.

‡ The ſheriffs of London were thanked by the houſe of Commons for the love the city had expreſſed to the parliament. The land and ſea-officers who conducted the committee to Weſtminſter, received the ſame compliment; and a reſolution paſſed both houſes, to juſtify all thoſe who were active in the guard and defence of the parliament, and

Ann. 1641. The parliament manifeſt ſymptoms of diſtruſt.

DISTRUST, jealouſy, and fear, equally poſſeſſed both houſes. Informations were continually given in of concealed arms, inſurrections, intended aſſaſſinations: one Francis Moor, an Italian, had overheard a diſcourſe in which the earls of Northumberland, Eſſex, Holland, Pembroke, and Leiceſter, were doomed to ſlaughter. A bill, that the Lords and Commons might adjourn themſelves reſpectively to any place, was brought up by Sir Philip Stapleton, read three times in the houſe of Lords the ſame day, and paſſed without contradiction *. A common terror effected a perfect conformity of action in both houſes. Information having been given, that ammunition and proviſion in great quantity had been carried out and into the Tower, the Lords joined with the requeſt of the Commons in paſſing an order, that a convenient guard, both by land and water, ſhould be put round it, under the command of major-general Skippon; and that the earl of Newport (maſter of the ordnance), the lieutenant of the Tower, and the under-officers, ſhould not ſuffer any ordnance or ammunition to be carried

to vindicate Skippon's accepting the office of ſerjeant-major general of the forces of London. The proteſtation was again recommended to be univerſally taken; and it was ordered, that a ſufficient number of declarations ſhould be printed, and ſent down to the ſeveral counties. *Nalſon*, vol. II. p. 838. *Journals of the Commons*, vol. II. p. 389, 390.

* An order paſſed the lower houſe, that an additional lock ſhould be ſet upon the door under the ſtairs; that it ſhould be ſearched every morning; that it ſhould be referred to the committee appointed to ſearch about the houſes and places near the parliament-houſe, to take daily care that they be ſafe guarded, and kept ſecure. *Nalſon*, vol. II. p. 846.

out

out of it without the King's authority, ſignified by both houſes of parliament. Sir John Byron being ſent for on the occaſion of giving out arms and ammunition, on the fourth of January, refuſed to attend, on the excuſe that he had an order from the King not to ſtir out of the Tower: he was again commanded to come, on his peril *; the ſecond ſummons he obeyed: after having anſwered thoſe queſtions that were put to him, and kneeled at the bar of both houſes for his contempt to their firſt order, he was diſmiſſed without farther cenſure. Information was given, that the lord Digby, colonel Lunsford, and the other diſbanded officers, who had formed the King's guard during his reſidence at Whitehall, and had attended him in his expedition againſt the parliament, to the number of two hundred horſe, had appeared in warlike array at Kingſton in Surry, where the magazine of arms for the county lay; that two cart-loads of ammunition were going to them, and the whole convoy was ſuppoſed to be bound for Portſmouth †. On this it was ordered, that the ſheriffs, Ann. 1641.

* The Lords aſſerted on this occaſion, that the King's command was always ſuppoſed to be implied in an order of their houſe. *Parl. Hiſt.* vol. X. p. 201.

† Some great ſaddles, which were going at the ſame time to Kingſton, were ſeized by order of the Commons. Mr Bagſhaw, member of the lower houſe, gave information, that, the preceding night, he ſaw at Windſor, where the court then was, troops of horſe to the number of four hundred; that there came a waggon loaded with ammunition thither; and that a meſſenger, with another waggon of the ſame loading, went from thence to Portſmouth. On this, an order paſſed both houſes, that ſerjeant-major Skippon ſhould appoint ten horſemen to be employed as ſcouts, to give intelligence if any forces did approach.

Ann. 1641. calling to their aſſiſtance the trained-bands of the ſeveral counties of England and Wales, ſhould ſuppreſs all unlawful aſſemblies gathered together for the diſturbance of the peace of the kingdom; and that they take care to ſecure their counties and magazines. Orders were given, that the trained-bands of Suſſex and Hampſhire ſhould be ſent to ſuppreſs lord Digby's party, and to prevent the carrying of arms and ammunition to Portſmouth. The ſame injunctions were given to colonel Goring, governor of this town, as had been given to Sir John Hotham; viz. That he ſhould not deliver up the town, or receive any forces into it, but by his majeſty's authority, ſignified by both houſes of parliament. The Lords ſent an expreſs order to lord Digby to give his attendance on the houſe; but he, knowing that the parliament had received intimation that he had been deeply concerned in the late attack on their privileges, thought it prudent to fly the kingdom.

The Scotch commiſſioners intereſt themſelves in the quarrel between the King and parliament.

THE Scots, conſidering the King's proſecution of the ſix members as an attempt to invalidate the articles of peace, took the alarm. Their commiſſioners intereſted themſelves ſo far in the quarrel between the King and his Engliſh parliament as to ſend him a petition, in which they offered their endeavours for the compoſing of differences of both kingdoms. They ſaid, they were bound to maintain the peace and liberties

proach the city; and alſo to appoint boats and ſmall veſſels to be upon the river for the like ſervice. *Ruſhworth*, vol. IV p. 496, *& ſeq.* *Naſon*, vol. II. p. 859. *Journals of the Commons.* vol. II. p. 380.

berties of each other, as the aſſured means of the ſafety and preſervation of their own; that they, his majeſty's commiſſioners of the kingdom of Scotland, found themſelves warranted and obliged to labour to keep a right underſtanding between him and his people, to confirm the brotherly affection between the two nations, and to advance the unity by all ſuch ways as ſhould promote the glory of God and the peace of the church. They were ſorry and grieved to behold the diſtractions which encreaſed daily between him and his people; diſtractions which, they conceived, were entertained by the wicked plots and practices of Papiſts, prelates, and their adherents, whoſe aim had been not only to prevent all farther reformation, but to ſubvert the purity and truth of religion in all his kingdoms. They beſeeched him to have recourſe to the ſound and faithful advice of the honourable houſes of parliament, and to repoſe thereupon as the only aſſured and happy means to eſtabliſh the proſperity and quiet of England, and prevent thoſe apprehenſions of fear which might poſſeſs the ſubjects of his other kingdoms, if they ſhould conceive the authority of parliament, and the rights and liberties of his ſubjects, called in queſtion. An offer of mediation, expreſſed in the like terms, were ſent by the Scotch commiſſioners to both houſes of parliament, with a copy of the petition they had ſent the King. The parliament gave them thanks for the advice they had given; and aſſured them, they were much ſatisfied with the large teſtimony of fidelity they had ſhewn his majeſty, and affection to the

Ann. 1641.

ſtate.

Ann. 1641. ſtate *. The freedom of this unexpected expoſtulation filled Charles with the utmoſt indignation: he ſent a meſſage of reproof to the commiſſioners, and a letter of complaint to the earl of Lanerick, his ſecretary for Scotland. He deſired him to remember the expreſſions which the Scots uſed to him when he was among them: that they would hazard life and fortune for the maintenance of his temporal power; and even in matters eccleſiaſtical, though they wiſhed uniformity, they would not intereſt themſelves farther than ſhould be with his knowledge and good liking: he did conceive, the commiſſion granted by him in parliament was for finiſhing the remainder of the treaty, ſettling trade and commerce, and keeping a right underſtanding between the two nations, not between him and his parliament: it is true, they were to receive their inſtructions from the council; but he thought thoſe inſtructions were to have been limited to theſe generals, which could never reach to this particular, but in ſo far as he ſhould know and approve; which he conceived to be the only means to preſerve the happy underſtanding now eſtabliſhed between him and his native kingdom. He deſired a duplicate of all the inſtructions which had been given, or ſhould hereafter be given, to the commiſſioners; and, in caſe there ſhould ariſe any diſpute between him and his parliament about the nomination of officers, he deſired the Scots to remember on what grounds he was induced to yield in this particular to his ſubjects of Scotland; viz. his neceſſary abſence from that his native kingdom: and that they often did promiſe him, in private, when occaſion ſhould offer, to declare that England ought not to urge it as a precedent for them *.

* It was ordered by the Commons' houſe, that the citizens who ſerved for the city of London ſhould take care that the Scotch commiſſioners paid nothing for their houſe-rent and furniture; the houſe would take care to ſee it ſatisfied. *Journals of the Commons*, vol. II. p. 384.

Ann. 1641.

THE ſteps hitherto taken by the parliament, were but preparatory to the putting themſelves into that ſtate of defence, which every meaſure of the King, ſince the accuſation of the ſix members, rendered neceſſary. The Commons called for the bill for ſettling the militia, which had lain long in their houſe: it now paſſed without oppoſition, with the following addition; "That all the forts, caſtles, and garriſons of the kingdom ſhould be put into ſuch hands as the parliament could confide in." A declaration, in the name of both houſes, for putting the kingdom into a poſture of defence paſſing the Commons, was publiſhed; though it was not agreed to by the Lords †.

Nalſon, vol. II. p. 850, & ſeq.

* In the poſtſcript to this letter, the King tells the ſecretary, that he had ordered the bearer to inform him ſome things he did not think fit to write. The contents of this letter explains clearly the motives of the King's conceſſions to the Scots. It ſhews him, at the ſame time, a great dupe to his ſchemes of deceiving. The Scots could never ſecure the privileges they had obtained, either civil or eccleſiaſtical, but by the reducing the King's authority in England to the ſame ſtandard to which it had been reduced in Scotland.

† It ſet forth, that the Papiſts and others ill-affected, by many wicked and traitorous deſigns, which had been enumerated in a remonſtrance of the ſtate of the kingdom, having plotted the confuſion of

Ann. 1641. THE Commons, who had before moved the Lords to join with them in means for the removal of Sir

of the ſtate and government, and to bring this kingdom into the like miſerable condition with that of Ireland; to the end they might effect their purpoſe for the utter deſtruction of the reformed religion; had and did continue to raiſe diſtractions by high breaches of parliament; ſuch as reſorting in numbers to the very doors of the houſe, intending, as by divers examinations clearly appeared, to fall upon the members; whereby the parliament might have been involved in blood and confuſion, the relief of the Iriſh Proteſtants prevented, and an evident and ſpeedy way opened to the ruin of religion and the kingdom: That they ſtill perſiſted in their wicked and traitorous courſes, confederating themſelves with ſtrangers, inſtigating foreign princes to join their counſels, had made great preparation of arms, ammunition, and victuals; and had enrolled themſelves, under the command of perſons fit for the execution of their wicked deſigns: That they had prevailed ſo far as to have the Tower of London, and other places of eminent ſtrength, put into the hands of ſuch perſons as the parliament had juſt cauſe to ſuſpect would adhere to them. This the Lords and Commons, as watchmen truſted for the welfare of the King, church, and ſtate, and labouring by all fit means to prevent ſuch threatening dangers to the King's perſon, the religion, lives, liberties, and fortunes of his people, did think good to advertiſe to his majeſty's ſubjects of the reformed Proteſtant religion; declaring, that they think it adviſeable that, with all expedition, they put themſelves in a poſture of defence, to provide fit arms and ammunition; and to be ready, on all occaſions, to defend their ſeveral counties from domeſtic inſurrections, or foreign invaſions: And that the ſheriffs, juſtices of the peace, mayors, and head-officers, within their ſeveral liberties, did take care that their magazines of powder, arms, and other ammunition, be completely furniſhed; and that they cauſe ſtrong guards and watches to be ſet in convenient places, to ſecure themſelves; and for the apprehending ſuch perſons as they ſhall have juſt cauſe to ſuſpect; and if, upon examination, any grounds of danger ſhall appear, to give notice to the parliament; and that all officers do take care that no ſoldiers, arms, or ammunition, be raiſed or levied, nor any caſtles, forts, or magazines delivered up, without his majeſty's authority, ſignified by both houſes of parliament.

John

John Byron, renewed their requeſt, alleging Sir John Ann. 1641.
Byron's diſobedience to the ſummons of both houſes as a ſufficient ground for diſtruſt: That the great diſcontent of the city, on his being continued in that important poſt, produced ill effects; the merchants began to draw their bullion out of the mint, and had written to their factors to ſend no more. The demand of the Commons was ſeconded by a petition from ſeveral merchants and goldſmiths: But, on the queſtion being put, whether the Lords ſhould join with the lower houſe in a petition for the removal of Sir John Byron, it was carried in the negative *.

THE King not giving his conſent to the bill for the parliament's adjourning itſelf to the place they ſhould judge moſt convenient, a committee of Lords and Commons were appointed to meet at Grocers-hall in Jan. 20.
London, to conſider of the ſafety of the kingdom, the privilege of parliament, the affairs of Ireland, and concerning ſettling the preſent diſtempers. Serjeant-major Skippon and the train-bands were appointed to guard the committee, and both houſes adjourned to January the twenty-fourth †.

* Againſt this negative the following peers entered their proteſt: Earls of Northumberland, Bedford, Pembroke, Leiceſter, Sarum, Warwick, Holland, Bolinbroke, Stamford, viſcount Say and Seal; Lords Wharton, Paget, North, Hunſdon, Willoughby de Parham, Spencer, St. John, Brooke, Roberts, Grey de Werk, Newnham, Howard de Eſrick. *Parl. Hiſt.* vol. X. p. 218.

† The King having again ſent to the earls of Eſſex and Holland to attend him, they acquainted the Houſe of Lords with the command, and deſired to know their pleaſure: It was reſolved, that their abſence could not be diſpenſed with, in reſpect of the urgent affairs then depending.

Ann. 1641. WHILST the ſons of Liberty were thus triumphing in the capital, the King continued, for ſome time, in a dejected condition at Windſor, fallen from a height of dreaded greatneſs to a ſtate which excited the pity of his friends and contempt of his enemies; his creatures and partizans, who before the laſt fatal meaſure had begun to triumph over oppoſition, hardly daring to avow the attachment they ſtill retained for his fortunes. Overwhelmed with grief and ſhame, he lamented the precipitation of his conduct, till rouſed from this ſtate of remorſe, by the activity of the Queen's intriguing ſpirit, he entered into new counſels, to recover his power, and to revenge himſelf on his enemies. It was at firſt reſolved, that the Queen ſhould ſecure Portſmouth *; and that the King ſhould take poſſeſſion of the town of Hull; but, on the Queen's receiving intimation that the houſes intended to impeach her of treaſon, it was concluded that, under the pretence of conducting her daughter, the princeſs Mary, to her huſband, ſhe ſhould herſelf negotiate the preparatory buſineſs to raiſing an army; viz. to pawn her own jewels, and the jewels of the crown, for arms and money; and ſolicit the aſſiſtance of her ſon-in-law the prince of Orange, and other

Orleans, p. 53.

pending. On this the two earls ſent a meſſage to the King, that, in obedience to his writ, they were obliged to aſſiſt in parliament: and their attendance there, about the high affairs of the realm, was truer ſervice to his majeſty, than any they could do him at Hampton-Court. *Parl. Hiſt.* vol. X. p. 214.

* Clarendon tells us, that Goring, the governor of Portſmouth, had found means to make good impreſſions again in their majeſties of his fidelity.

foreign

foreign ſtates: That the King ſhould retire to the North, there aſſemble his friends and adherents, raiſe levies, and ſecure Hull, with the magazine; that town affording a good harbour to receive auxiliaries from abroad; and that, in caſe of diſappointment, he ſhould go to Ireland: That the King ſhould proceed ſlowly, to allow time for negociation; and, if poſſible, to bring back the parliament to a ſenſe of their duty, by gentler methods than force of arms: That, whilſt the neceſſary preparations were making, he ſhould endeavour to temporiſe *. Purſuant to this plan, a meſſage, containing the following propoſition, was ſent to the Lords; "That they would, with all ſpeed, fall into ſerious conſideration of all thoſe particulars, which they ſhould hold neceſſary, as well for the upholding and maintaining his majeſty's juſt and regal authority, and for the ſettling his revenue, as for the preſent and future eſtabliſhment of their privileges, the free and quiet enjoying their eſtates and fortunes, the liberties of their perſons, the ſecurity of the true religion now profeſſed in the church of England, and the ſettling of ceremonies in ſuch a manner as ſhould take away all juſt offence. Which when they had digeſted and compoſed into one entire body, that ſo his majeſty and themſelves might be able to make the more clear judgment of them, it ſhould then appear, by what his majeſty ſhould do, how far he had been from intending and deſigning any of thoſe things, which the too great fears and jea- Ann. 1641.

* Clarendon, in his Life, ſays, That this concert made with the Queen ſhut out all oppoſite conſultation. *Claren. Life*, vol. I. p. 112.

louſies

Ann. 1641. louſies of ſome perſons apprehended; and how ready he would be to exceed the greateſt examples of the moſt indulgent princes in their acts of grace and favour to their people."

THOUGH there is ſomething in the ſtyle of this meſſage princely to a ridiculous degree, conſidering the low ſtate into which the King, by his imprudence, was fallen, yet the Lords received it with tranſport; and, after having communicated it to the Commons, with the following preface, That they had received a meſſage from his majeſty which filled their hearts full of joy and comfort, they ſent their moſt humble thanks to the King for his propoſition, expreſſive of much grace and favour to his ſubjects; which they ſhould take into ſuch ſpeedy and ſerious conſideration, as its importance did require. The concurrence of the Commons was deſired to this meſſage of thanks: But, inſtead of an anſwer, a conference was demanded by that houſe, concerning the ſecurity of the town of Hull *.

THE Commons, more wary than the Lords, immediately fathomed the depth of the King's policy:

* When the order of the parliament came down for the delivering up of Hull, and its magazines, to Sir John Hotham, the mayor ſcrupled to obey, on account of the King's letter in favour of the earl of Newcaſtle. The mayor was ſummoned to attend; and, ſubmitting himſelf to the directions of parliament, Sir John Hotham was put into poſſeſſion of the command of Hull. When the parliament acquainted the King with their orders concerning Hull, he returned anſwer, "That he had formerly conſidered the ſubject of their fears, and had already taken ſpecial care for the ſecurity of that place."

That

That he wanted to find the parliament an employ- Ann. 1641.
ment of ſuch conſequence as ſhould engroſs their whole attention, whilſt he was making preparations to enable him to vindicate his own terms: That he wanted to diſcover and expoſe the utmoſt views of the party: That he wanted to make the people believe he was willing to conſent to whatever ſhould be productive of a perfect reconciliation between him and his parliament; at the ſame time that the general expreſſion of the propoſition bound him to no particular obligation, and left him always maſter of the terms of accommodation. The Commons propoſed to the Peers the following addition to their anſwer, viz. "That his majeſty would be pleaſed to put the Tower of London, with all the ports and militia of the kingdom, into ſuch hands as the parliament could confide in." The Lords denying their aſſent to this addition, thirty-two peers proteſted *: and the Commons ſent up a petition in their own name †.

No leſs cautious and determined was their conduct in the buſineſs of their violated privileges, and

* Earls of Eſſex, Warwick, Pembroke, Holland, Stamford, Bedford, Leiceſter, Clare, Lincoln, Sarum, Bolinbroke, Peterborough, Thanet, Nottingham; viſcounts Say and Seal, Conway: Lords Paget, Kimbolton, Brooke, Roberts, North, Wharton, St John, Spencer, Newnham, Willoughby, Bruce, Dacres, Howard de Eſrick, Grey de Werk, Chandois, Hunidon. *Parl. Hiſt.* vol. X. p. 233.

† In this petition was inſerted, That the Peers having refuſed to join with them, they notwithſtanding, no way diſcouraged, but confiding in his majeſty's goodneſs, did humbly beſeech him, &c.

the

Ann. 1641. the proſecution of the ſix members. At the requeſt of the parties, the parliament petitioned the King to declare what proofs there was againſt them, that they might be ſpeedily proceeded againſt in a parliamentary way. The King's anſwer was artful. He deſired the parliament to reſolve, whether he was bound, in reſpect of privilege, to proceed againſt the members by impeachment in parliament; or whether he was at liberty to prefer an indictment at common-law; or to have his choice of either? Thus did he evade the diſcovering to the public the principles on which he founded his charge of treaſon; and endeavoured to bring the Commons into the difficulty either of refuſing what carried the appearance of juſtice and moderation, or to give up a point of Liberty, in ſubmitting to be tried by the Lords; or to truſt an indictment at law, where the rational part of their plea would be over-ruled, viz. That it was the King's miniſters had committed treaſon, in endeavouring the ſubverſion of the conſtitution; in changing, by a tyrannical adminiſtration, the government into an abſolute monarchy; and ſubjecting the liberties and properties of the ſubject to arbitrary will and pleaſure: That to raiſe forces, and oppoſe the miniſters of arbitrary power, was not levying war againſt the conſtitutional ſovereign; and conſequently not againſt the political character of the King *. The

* It was declared lawful, by the ſtatutes of the eleventh of Richard II. and the firſt of Henry IV. cap. 4. to raiſe forces to oppoſe the miniſters of arbitrary power. Theſe ſtatutes were enacted within thirty-four years after the ſtatute of 25 Ed. III.

Com-

Commons took no other notice of this requeſt, than Ann. 1641.
aſſerting, that it was the undoubted right and privilege of parliament, that none of its members could be proceeded againſt without the conſent of parliament; and again ſolicited the King, that they might be called to a legal trial *. The King then offered a pardon; but the Commons were ſo far from acknowledging this as an act of grace, that they ſent up a bill to the Lords, for clearing and vindicating the ſix members from a feigned charge of high-treaſon †. Sir Edward Herbert, the attorney-general, in his examination at the bar of the houſe of Lords, having declared that he could not undertake to make one tittle good of the articles with which he had charged them, otherwiſe than his maſter ſhould command and enable him ‡; they impeached him of high crimes and miſdemeanours, for having, contrary to his oath, and the duty of his place, falſely, ſcandalouſly, and maliciouſly, adviſed and framed certain articles of high-treaſon againſt the lord Kimbolton, &c. "That the ſaid doings of his were high breaches of the privileges of parliament, tending to ſedition,

The Commons impeach the King's attorney.

* They aſſerted, that it was neceſſary for them to ſee the evidence and proof of their guilt, before they could give directions for the manner of the proſecution and proceedings againſt them.

† This bill paſſed the Lords' houſe. *Parl. Hiſt.* vol. X. p. 330.

‡ On ſerjeant Wild's aſking him, in the name of the houſe of Commons, whether he had any proof or teſtimony, or information of proof of the articles, he deſired to be excuſed giving a preſent anſwer. *Ruſhworth*, vol. IV. p. 489.

Ann. 1641. The Lords pass sentence on the King's attorney.

&c.*" The Lords passed the following sentence on him: "That he should be disabled, and made incapable of being a member, assistant, or pleader, in either house of parliament; and of all offices, saving that of attorney-general: That he should be committed to the Fleet, during the pleasure of the house †." The

* On the commencement of this prosecution the King sent a letter to vindicate the conduct of his attorney, who had acted, he said, in obedience to his commands; a duty to which he was bound by his oath, and the trust he had reposed in him; and, had he refused obedience, he would have questioned him for the breach of his oath, duty, and place: but now that he had wholly desisted from further proceedings against the accused, he had commanded his attorney to drop the prosecution, nor to produce or discover any proofs concerning it. This letter was highly resented by the Lords, as a prelimiting their judgment. They refused to take it into consideration till they had determined the business against the attorney. A message was sent to the Commons to inform them of the letter; and that they were ready to proceed, if they would send a committee to manage the evidence. It was argued by serjeant Wild, one of the committee appointed for this purpose, That the attorney-general pleading the King's command added to his offence; since he could not but know that the King's command, in things illegal, was utterly frustrate, and of no effect; if against the crown, in matter of interest, they were merely void, *quod in deceptione regis*; if against the public weal, they were *ipso jure vacua*; much more in matters criminal, because no action lies against him: That the attorney-general had acted contrary to his oath; for he was sworn to the King, to issue out his writs duly and truly, and give him true advice according to law. It is a circumstance worth notice, that Sir Edward Herbert, in his defence on the point concerning the privilege of parliament, cited but three precedents, to justify the legality of his accusation; two of them were of Charles's administration, cases of the earls of Arundel and Bristol; and the other in the administration of Richard II. *Parl. Hist.* vol. X. p. 347, *& seq.*

† Clarendon is guilty of two false misrepresentations, in the recital of this business; first, he alledges that the Commons, finding that the Lords

King, in general terms, offered the parliament a reasonable reparation of their privileges; but they insisted that the King should discover his advisers in that illegal measure, as a necessary part of a reasonable reparation *. Petitions from the city of London, Middlesex, Essex, and Hertfordshire, being presented to the Ann. 1641.

Lords had assigned counsel for the defence of the attorney-general, threatened those that should presume to undertake the task, in a manner that terrified the counsel into a positive refusal to meddle farther in the business; that the Lords imprisoned Sir Thomas Bedingfield and Sir Thomas Gardiner, for their contempt, in refusing to be of counsel for the attorney on their assignment: Secondly, That the negative prevailing in every question that was put concerning the inflicting a penalty for the attorney's offence, the Commons expressed such resentment on the occasion, that the Lords, contrary to the rules and practice of parliament, proceeded to a new judgment. In the first case, Sir Thomas Bedingfield and Sir Thomas Gardiner made no other excuse for not pleading, but that the Lords had not given them time enough to prepare, when the contradictory commands of the two houses would have been a very undeniable one; and that Mr. Hearne and Mr. Chute did actually plead for the attorney as to matter of fact. In the second case, on the first question that was put, viz. Whether, upon the whole matter, Mr. Attorney had committed a crime for which he ought to be sentenced by that house, the Lords resolved in the affirmative; which certainly left the matter open for the sentence that was afterwards pronounced against him. *Parl. Hist.* vol. X. p. 353, *& seq.* *Claren. Hist.* vol. I. p. 379, *& seq.*

* This demand of the Commons is founded on the statutes of the 37th and 38th of Edward III. which ordains, "That if any person make suggestion to the King of any crime committed by another, he is to be sent with his suggestion to the chancellor, or keeper of the great seal, the treasurer, or the great council, there to find surety to pursue his suggestion: which, if he cannot prove, he is to be imprisoned till he hath satisfied the party, and made fine and ransom to the King. *Statutes at Large*, vol. IV. p. 492.

Ann. 1641. Commons, they appointed Mr. Pym to communicate them in a conference to the Lords.

Mr. Pym's ſpeech to the Lords, on the ſtate of public affairs.

His ſpeech on the occaſion is, perhaps, one of the moſt artful performances of this perſuaſive orator; who, at the ſame time that he convinced the underſtanding, knew how to work effectually on the paſſions of his auditors. "In theſe petitions *, my

* The petition from the city of London was in anſwer to the demand of the loan of 100,000 l. It mentioned twelve objections to the complying with the requeſt. Among theſe were the non-payment of ſeveral great ſums of money owed to them by debtors in Ireland: the brotherly offers of Scotland to ſend 10,000 men into Ireland not yet accepted: the not paſſing the bill for preſſing ſoldiers, which put men in fear that there was a deſign to loſe that kingdom and conſume this; ſeeing that it could not be conceived the rebels would be ſuppreſſed by volunteers: the ſlow iſſuing commiſſions to thoſe, who being in Ireland, or going thither, were willing to enter the field againſt the rebels; ſo that all the forces that had been or might be ſent thither were exhauſted to maintain forces that did little or nothing worthy of them, by means whereof the number and power of the rebels were greatly increaſed; divers caſtles and towns taken; much Proteſtant blood daily ſpilt; the malignant party here encouraged, and thoſe rebels ſo much emboldened, that they boaſt they will extirpate the Engliſh nation there, and then make England the ſeat of war: the not diſarming of Papiſts here in England: the great decays of fortifications, &c. the not placing them in hands in whom the parliament can confide: the not ſetting the kingdom in a poſture of defence: the not removing the preſent lieutenant of the Tower, and putting into his place one well approved of by parliament: the King's ſhips, which ought to be a wall of defence to the kingdom, not fitted and employed as the preſent condition of this kingdom and Ireland requires, but ſome of them for the conveying away delinquents, to the great encouragement of the reſt of the malignant party, who, when detected, know how to eſcape juſtice through the abuſe of royal conduct: the miſunderſtanding between the King and parliament: the not vindicating

lords, ſaid he, you may hear the voice, or rather the cry of all England; and you cannot wonder if the Ann. 1641.

ing the privileges of parliament: the not ſuppreſſing protections: the not puniſhing delinquents: the not executing prieſts and Jeſuits, legally condemned; whilſt others, contrary to the privilege of parliament, had been illegally charged with treaſon. Theſe evils, the petitioners ſaid, had ſprung from the employing ill-affected perſons in places of truſt and honour in the ſtate; and were continued by the votes of biſhops and popiſh lords in the houſe of Peers. They humbly begged leave to proteſt, before God and the high court of parliament, that if any farther miſchief befel their dear brethren of Ireland; or if any miſchief broke in upon this kingdom, it ought not to be imputed to the petitioners, but to ſuch as ſhould endeavour to hinder the effectual cure of the evils before recited, that diſabled the petitioners from doing that which was deſired by the honourable the houſe of Commons.

The petition from the county of Eſſex expreſſed a fear, that there was an entire ſtop of reformation in matters of religion: that the whole kingdom was in danger from Papiſts, and other ill-affected perſons, who were every where very inſolent, and ready to act the part of thoſe ſavage blood-ſuckers in Ireland.

The inhabitants of the county of Hertford expreſſed their thanks for the great benefits they had received from the parliament, and their indignation againſt that malignant party who endeavoured to prevent a thorough reformation in church and ſtate, and eſpecially the relief of Ireland; who attempted to render the houſe of Commons not only contemptible but burthenſome to the people. The petitioners expreſſed their high eſteem of that aſſembly, and acknowledged the perfecting their endeavours to be ſo neceſſary to the peace and welfare of the kingdom, that without it there would not only be a return of former calamities, but utter ruin and deſolation. They declared their readineſs and engagement, according to their proteſtation, to defend, to the utmoſt peril of their lives, the King and the high court of parliament, with all its power and privileges, againſt popiſh and other malignant oppoſers. All the petitions prayed that Papiſts might be fully diſarmed, and the laws againſt them executed, the kingdom put into a poſture of war, and its forts put into ſuch hands as the parliament could confide in, the privileges of that aſſembly vindicated, Ireland ſpeedily relieved, the farther puniſhment of delinquents, the farther

Ann. 1641. urgency, the extremity of our condition, produce ſome earneſtneſs and vehemency of expreſſion more than ordinary; the agony, terror, and perplexity, in which the kingdom labours is univerſal. All parts are affected with it." After aſſerting, that the eminent dangers which threatened the kingdom aroſe from the evil counſellors about the King, and from the Papiſts and ill-affected, both in England and Ireland, ſupported by the miniſters of neighbour princes *, he ſhewed that the apprehenſions and terrors of the public proceeded from the obſtruction of reformation in matters of religion; the obſtruction in trade; the obſtruction in the relief of Ireland; the obſtruction in proſecution of delinquents; a general obſtruction and interruption of the proceedings of parliament by deſigns of violence; breaches of privilege, and the ſubtle endeavours to raiſe parties in the lower houſe; and jealouſies between the two houſes. The obſtruction in providing for the defence of the kingdom;

ther reforming the church and Common-wealth, and the taking away the votes of popiſh lords and biſhops.

In the petition from the city of London, the petitioners complain, that witholding from them the ſum of 50,000l. which the parliament had borrowed, was a great hinderance to trade. If this was the caſe, the preſent national debt muſt act very powerfully in that particular. *Ruſhworth*, vol. IV. p. 504, *& ſeq.*

* Mr. Pym told the Lords, that the rebels had received a ſupply of two convoys of ammunition and arms, the one from Dunkirk, and the other from Nants in Brittany; that the ſoldiers levied for the ſervice of Spain were joined to the Iriſh rebels; and that the Iriſh friars, employed by the Spaniſh ambaſſador for making theſe levies, were known to have been the chief incendiaries of the rebellion, and were ſtill active in the proſecution and encouragement of it.

the

the evil influence about the King, Mr. Pym ſaid, had Ann. 1641.
been the cauſe of the preparation of the war with Scotland, the procuring a rebellion in Ireland, corrupting religion, ſuppreſſing the liberty of the kingdom, and of many horrid attempts to the ſubverting the very being of parliaments. He ſhewed that the Commons had done every thing in their power to remedy the grievances of the kingdom, and avert the dangers that threatened it; and concluded his ſpeech with addreſſing the Lords in the following manner: "I have nothing to propound to your lordſhips, by way of requeſt or deſire, from the houſe of Commons. I doubt not but your judgments will tell you what is to be done; your conſciences, your honours, your intereſts, will call upon you for the doing it. The Commons will be glad to have your concurrence and help, in ſaving the kingdom; but if they fail of it, it will not diſcourage them in doing their duty. They would be ſorry that the ſtory of the preſent parliament ſhould tell poſterity, that in ſo great a danger and extremity, the houſe of Commons ſhould be enforced to ſave the kingdom alone; and that the houſe of Peers ſhould have no part of the honour of the preſervation of it. My lords, Conſider what the preſent neceſſities and dangers of the Common-wealth require; what the Commons have reaſon to expect; to what endeavours and counſels, the concurrent deſires of all the people do invite you; ſo that applying yourſelves to the preſervation of the King and kingdom, I may be bold to aſſure you, in the name of all the Commons of England, that you ſhall be bravely

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Ann. 1641. conded *." Mr. Pym received the thanks of the houſe of Commons for having ſo well performed the ſervice they had employed him in: His ſpeech was ordered

* Mr. Pym affirmed, in this ſpeech, that ſince the ſtop upon the ports againſt all Iriſh Papiſts by both houſes, many of the chief commanders now at the head of the rebels had been ſuffered to paſs by his majeſty's immediate warrant. The King ſent to the Commons to vindicate his character from this aſſertion: the Commons not only juſtified Mr. Pym, but declared that what he had affirmed was agreeable to the ſenſe of the whole houſe, naming the different advertiſements they had received concerning ſeveral Iriſh Papiſts which had paſſed by ſuch warrants, and had ſince joined the rebels: to the King's profeſſions that he had uſed an extreme caution in this article, they made the following ſhrewd return: "Your majeſty's moſt faithful ſubjects are very ſorry that the extreme caution your majeſty hath uſed hath been ſo ill-ſeconded with the diligence and faithfulneſs of your miniſters, and that your royal authority ſhould be ſo highly abuſed, although, as it was expreſſed by Mr. Pym, we believed it was by the procurement of ſome evil inſtruments too near your royal perſon, without your majeſty's knowledge and intention; and we beſeech your majeſty to take ſuch courſe, that not only your honour may be vindicated for the time paſt, but your kingdom may be ſecured from like miſchief for the time to come." Several replies and anſwers followed on both ſides; the King attempted to juſtify himſelf on theſe frivolous grounds, That he had no intimation of the order of reſtraint of both houſes, and denied that thoſe to whom he had granted ſuch licence were in the rebellion. This was very ſophiſtical, ſince the Commons had affirmed, that the immediate warrants he had granted to particular perſons, gave free paſſage to themſelves and company, without any qualifications of perſons, or limitation of number; and that, by virtue of this licence, ſeveral perſons, who had ſince obtained command among the rebels, had paſſed.

One of the particular perſons to whom the King had given ſuch general licences, was captain Butler, whoſe brother was general of the rebels in Munſter; and another was lord Delvin, whoſe father was an inveterate rebel. *Ruſhworth*, vol. IV. p. 511, & *ſeq.*

to

to be printed; and, on the report of this conference, Ann. 1641.
in which he had ſo great a part, a motion was made in the upper houſe for joining with the Commons, in petitioning the King to put the forts and militia of the kingdom into ſafe hands. This occaſioning a long debate, the houſe, having reſolved themſelves into a committee, ſome lords deſired to adjourn. The duke of Richmond *, with much petulance replied, "Let us put the queſtion, whether we ſhall adjourn for ſix months?" The extreme inſignificancy of this lord's character had hitherto ſaved him from cenſure; but the peeviſhneſs and impatience with which he uttered theſe words, offended the popular party ſo much, that it was warmly excepted againſt. On the queſtion being put, That the houſe ſhould be ſatisfied with the duke's making an humble ſubmiſſion and acknowledgment, that he had offended in ſpeaking inconſiderately and unadviſedly; and that he had no intention to have the houſe adjourned? it was reſolved in the affirmative; but was proteſted againſt by twenty-four lords, as a puniſhment not adequate to the offence ‡.

* Duke of Lenox, in Scotland, lately created an Engliſh duke: his ſiſters were Papiſts, himſelf had ſpent ſome time in Spain, and had been complimented with being created a grandee of that catholic country. *Clarendon.*

‡ Northumberland, Bedford, Eſſex, Pembroke, Suffolk, Lincoln, Leiceſter, Warwick, Holland, Bolinbroke, Stamford, Conway, Wharton, Paget, Hunſdon, Chandois, St. John, Spencer, Kimbolton, Brook, Grey de Werk, Roberts, Howard de Eſrick, Willoughby de Parham. *Parl. Hiſt.* vol. X. p. 252.

Ann. 1641. SOME few days after the Commons ſent up an accuſation againſt the duke of Richmond, on the three following articles: That he had written to the mayor and jurats of the town of Hithe, to chuſe one captain Winberry for their member: That, whilſt the affair of Mr. Piercy and Mr. Jermyn were before the houſe of Commons, the duke's ſteward came to Mr. Peard, a member of that aſſembly; and deſired him, in his maſter's name, not to preſs the matter concerning thoſe gentlemen, ſaying, that his forbearance would be an acceptable ſervice, and would do him good: That, by the copy of a record then in the lower houſe, it did appear that the duke of Richmond did, on the twenty-ſixth of January inſtant, deſire that the queſtion might be put for the adjourning the houſe of Lords for ſix months: Upon the whole, the Commons had paſſed a vote, That they had ſufficient cauſe to accuſe the duke of Richmond, as one of the malignant party, and an evil counſellor to the King, for theſe reaſons: That he endeavoured to have ſuch members choſen as he ſhould name *: That he endeavoured to corrupt the members of the houſe, after they were elected, in matters of the higheſt nature: That his motion of adjournment, had it been effected, would certainly have been the loſs of Ireland, and hazarded the ruin of England. The Commons de-

* The interpoſal of peers in the election of commoners had been, by ſeveral reſolutions of the lower houſe, declared a breach of privilege; and continues, ſays Mr. Hume, to be condemned by the votes of the Commons, and univerſally practiſed throughout the nation. *Hume*, vol. I. p. 312.

ſired

ſired the Lords to join with them in petitioning the King, that the duke of Richmond might not have acceſs to the perſons or courts of the King and queen; and that he might be removed from all offices and places of public truſt. The queſtion, whether the Lords ſhould join with the Commons in their petition againſt the duke, paſſing in the negative, twenty-three lords entered their diſſent *. Ann. 1641.

THE upper houſe not having determined the important queſtion, Whether they ſhould join with the Commons in their petition concerning the militia? that aſſembly grew warm and impatient, and ſent up, with the King's denial to their petition, the following angry meſſage: "To deſire the Lords to lay to heart this their requeſt, That they would join in another petition to the King, that the forts and militia of the kingdom ſhould be put into ſuch hands as were approved of by both houſes: That, if the whole aſſembly would not join with the Commons, now that things were brought to the laſt gaſp, then that thoſe lords, who were willing, would declare themſelves, that they might be known from the reſt: Laſtly, to aſſure the houſe, that they muſt not expect that the Commons would come to them again upon the ſame buſineſs †." The debate on this meſſage

* Clarendon tells us, that when it was carried in the Commons' houſe to accuſe the duke of Richmond, it was late at night, and not half the houſe was preſent. This is not the fact, it appearing, on the diviſion on the queſtion, that the houſe was full. *Claren. Hiſt.* vol I. p. 321. *Parl. Hiſt.* vol. X. p. 255.

† This meſſage was carried up by Mr. Hollis.

Ann. 1641. was opened by the earl of Northumberland, who profeſſed, That whoſoever ſhould refuſe to join with the houſe of Commons in their requeſt was, in his opinion, enemies to the Common-wealth. The Lords, at this juncture, ſeemed to be ſo perfectly convinced of the preſſing neceſſity of the requeſt, that, without ſignifying any offence at the peculiar ſtyle of the meſſage, they came to the following reſolutions, to join with the Commons in their vote: "That whoſoever adviſed the King to give ſuch an anſwer, is of the malignant party, and an enemy to the public peace and ſafety of the kingdom: That they would join with the Commons in their petition, as deſired *." A petition of the ſame effect with the former was ſent to the King, in the name of both houſes, with the following clauſe: "That the parliament expected a ſpeedy and gracious anſwer, the great diſtractions and diſtempers of the kingdom not admitting delay."

THE impatience of the public at the ſlow progreſs of the long-promiſed reformation, excited a new inundation of petitions; among theſe was one from the young men, apprentices, and ſeamen; another from the poor tradeſmen and manufacturers †; a third from the por-

* On this occaſion Clarendon obſerves, that when this bill was firſt introduced in the lower houſe, there were few men who imagined it would receive farther countenance; but now there were very few who did not believe it to be a very neceſſary proviſion for the peace and ſafety of the kingdom. *Claren. Hiſt.* vol. I. p. 304.

† Theſe complained, that there was ſo great a decay and ſtop of trade, that they were in a ſtarving condition; if ſome means were not taken, they ſaid, to remove thoſe obſtructions which hindered the progreſs of the endeavours of their repreſentatives, they ſhould be forced

ters *; a fourth from gentlewomen, tradeſmens' wives, &c. †. The female petitioners prayed to be ſecured from the cruelty and perſecution of Papiſts, prelates, and their adherents; and expreſſed their reſentment on the cruelties committed in Ireland, in very pathetic terms: they apologized for this their uncommon act, on the principle that they were ſharers in the common calamities that oppreſſion produced: "On theſe grounds, conclude the petitioners, we are emboldened to preſent our humble deſires to this honourable aſſembly, not regarding the reproaches which may and are by many caſt upon us; we do it not out of any ſelf-conceit or pride of heart, as ſeeking to equal ourſelves with men, either in authority or in wiſdom, but, according to our places, to diſcharge that duty we owe to God, and the cauſe of the church." The houſe had not only the complaiſance to read the petition, but commiſſioned one of their members, of no leſs conſequence than Mr. Pym, to return an anſwer in

Ann. 1641.

forced to lay hold of the next remedy at hand, to remove the diſturbers of their peace; and propoſed, that thoſe noble worthies of the houſe of Peers, who concurred with the happy votes of the Commons, ſhould ſeparate themſelves from the reſt, and ſit and vote as one entire body.

* This petition aſſerted, that, if proper remedies for the public miſeries were longer ſuſpended, the petitioners would be forced to extremities not fit to be named, and make good the ſaying, That neceſſity has no law; they had nothing to loſe but their lives, and thoſe they were willing to expoſe to the utmoſt peril in defence of the houſe of Commons, according to their proteſtation.

† Two from the counties of Warwick and Surry, and another from the inhabitants of Cleveland, in the county of York. *Parl. Hiſt.* vol. X. p. 291, *& ſeq.* *Journals of the Commons*, vol. II. p. 422.

perſon.

Ann. 1641. perſon. The petitioners being called up to the door of the houſe, Mr. Pym addreſſed them in the following manner: "Good women, your petition, with the reaſons, hath been read in the houſe, is thankfully accepted of, and is come in a ſeaſonable time. You ſhall, God willing, receive from us all the ſatisfaction which we can poſſibly give to your juſt and lawful deſires: We intreat you, therefore, to repair to your houſes, and turn your petition, which you have delivered here, into prayers at home for us: We have been, are, and ſhall be, to the utmoſt of our power, ready to relieve you, your huſbands, and children; and to perform the truſt committed unto us towards God, our King, and country, as becometh faithful Chriſtians and loyal ſubjects *."

* This complaiſance to a company of decent, virtuous matrons, acting under the influence of conſcience, expreſſing their fears and hopes on matters in which they were greatly intereſted, in a modeſt application to the repreſentative aſſembly of the people, has been highly ridiculed by thoſe who ſcoff at the conduct of theſe ſenſible times. Was not the policy of this complaiſance ſufficient to vindicate it from ridicule, it has the countenance of the moſt illuſtrious ſocieties. The government of Rome, when in its ſtate of higheſt virtue, though never influenced by the low cabals and intrigues of looſe and vicious women, which is ever the conſequence of thoſe effeminate manners which prevail in monarchies, failed not to pay high marks of eſteem, and granted many immunities to that ſex, on their exhibiting any ſymptom of public virtue; and we find, that when Rome was towering to its utmoſt heigth of ſplendor, the women preſumed to petition their legiſlator on ſubjects that concerned themſelves, though of a trifling nature. When the manners of that ſociety began to degenerate, the women were very importunate with the ſenators on the article of a ſumptuary law that affected their dreſs; for this they were ſternly rebuked by Cato the Cenſor, but not ſo much for their preſuming to petition, as for the pernicious nature of their petition, the improper object of their deſire, and

THAT harmony between the two legiſlative aſſem- Ann. 1641.
blies, ſo earneſtly deſired by the public, ſeemed to be now complete. The bill for depriving biſhops of their votes in parliament, which, in one ſeſſions, with a trifling alteration, the Commons had twice ſent up to the Peers, was now called for, and, after a third reading, unanimouſly paſſed by the temporal lords; the biſhops of Wincheſter, Rocheſter, and Worceſter diſſenting. Great was the joy and triumph of the public on this occaſion; nor leſs was the ſatisfaction of the Commons on the Lords paſſing the preſſing acts, with the preamble; and another very important one, entitled, "An act for a ſpeedy contribution and loan towards the relief of his majeſty's diſtreſſed ſubjects of the kingdom of Ireland." The Parl. Hiſt. vol. X. p. 303.
trial of the twelve biſhops, which had been put off from time to time, on account of the urgency of public affairs, after ſome pleadings had paſſed on the ſide of the proſecutor and the proſecuted, was determined to be farther proceeded on on the twenty-fourth of February. On the morning of that day, Parl. Hiſt. vol. X. P. 313.
the Commons ſignified to the Lords, that they had reſolved to proceed againſt the delinquents by bill. This being ſignified to the biſhops, they pleaded, that they had lain long under a charge of treaſon; that many days had been aſſigned for hearing; that, as the matter of fact had been heard, they deſired the juſtice of the houſe, that they might be heard by their counſel in point of law, and judgment given upon the charge. The Lords determined, that the pro-

and the tumultuary manner in which they preferred it. They were, nevertheleſs, vindicated by many ſenators.

ceedings

Ann. 1641. ceedings againſt the biſhops ſhould not be concluded in their houſe, without hearing them and their counſel, as the cauſe ſhould require. The Commons gave the committee appointed to manage the evidence againſt them the following ſevere orders: To draw a bill for the forfeiting the iſſues and profits of their eſtates, temporal and eccleſiaſtical *; for the impriſonment of their perſons during life †; and for the diſpoſal of all livings that ſhould fall within their gift ‡. The Lords having granted bail to the biſhops, the Commons gave them to underſtand, that it was diſagreeable to a vote of their houſe; and therefore deſired they might be remanded: With this requeſt the Lords complied, without heſitation.

* The archbiſhop of York was allowed out of the profits of his eſtate 100l. per annum; the biſhop of Durham, 800l. the biſhop of Norwich, 400l. of Bath and Wells, 100l. Coventry and Litchfield, 800l. Hereford, 500l. Peterborough, 100l. Oxon, 100l. Aſaph, 500l. Landaff, 200l. It was reſolved in the lower houſe, that no member of that houſe ſhould be a feoffee in this bill concerning the biſhops. *Journals of the Commons*, vol. II. p. 517, *& ſeq. Parl. Hiſt.* vol. X. p. 374.

† After remaining eighteen weeks in priſon, they were admitted to bail. The archbiſhop of York and his ſureties were bound in 5000l. and he ordered not to go to his dioceſs during the diſturbances which were at that time in the county. *Parl. Hiſt.* vol. X. p. 487.

‡ In the courſe of the trial of the biſhops, London and Saliſbury depoſed, that they never did abſent themſelves from parliament, on the occaſion of force or menace. The biſhop of Litchfield and Coventry, in his defence at the bar of the houſe of Lords, intreated that aſſembly to follow the footſteps of the emperor Conſtantine, who had rather caſt his purple garment upon an offending divine, than reveal his offences, for the goſpel's ſake of Chriſt. *Parl. Hiſt.* vol. X. p. 304, *& ſeq.* 332, *& ſeq.*

WHILST

WHILST oppoſition in both houſes of parliament gave way to the authority of the popular leaders, the King was buſy in making preparations to reſiſt the power of the party, and to regain by the ſword thoſe conceſſions they had extorted from his neceſſities. Purſuant to his plan of gaining time by temporiſing to the petition of both houſes, concerning the forts and militia of the kingdom, he returned anſwer, That when he ſhould be informed of the extent of the power intended to be eſtabliſhed in thoſe perſons the parliament deſired to be entruſted as commanders of the militia; and likewiſe the time limited that he was to be debarred from exerciſing a power over it, without the advice of parliament; that then he would declare, that he would put in ſuch perſons as the parliament ſhould approve; provided he had no juſt and unqueſtionable exception againſt them. To render this meſſage more agreeable, Sir John Byron, at his earneſt deſire, had leave to reſign the lieutenancy of the Tower *; and Sir John Conyers, whom the parliament had recommended to this poſt, was appointed in his place. The parliament perceiving that the King's ſole drift was to gain time, paſſed an ordinance, which reſtored to lieutenants and deputies the ſame authority they had formerly exerciſed; with Ann. 1641.

* This following part of the King's meſſage explains the reaſon of his condeſcenſion: That he was preſſed by the States' ambaſſador to ſend the princeſs Mary, his daughter, immediately to Holland: That his royal conſort, the queen, had earneſtly deſired leave to accompany her daughter thither: That he had thought fit to conſent to both deſires, and to make his conſent known to both houſes of parliament. *Journals of the Commons*, vol. II. p. 416.

Ann. 1641. power to lead and employ the trained-bands, in every part of the realm of England and dominion of Wales, for the ſuppreſſion of inſurrections and invaſions that might happen *. The names of the perſons that were to be inveſted with this authority were inſerted in the ordinance; their conduct was to be accountable to the parliament, and their authority to continue during the pleaſure of that aſſembly. The preamble to the bill was as follows: "Whereas there has been of late a moſt dangerous and deſperate deſign upon the houſe of Commons, which we have juſt cauſe to believe to be an effect of the bloody counſels of Papiſts, and other ill-affected perſons, who have already raiſed a rebellion in the kingdom of Ireland; and, by reaſon of many diſcoveries, we cannot but fear they will proceed, not only to ſtir up the like rebellion and inſurrection in the kingdom of England, but alſo to back them with forces from abroad."

THE royal aſſent having been refuſed to the bill for taking away the votes of biſhops out of the Lords' houſe, and exempting them from the trouble of ſecular affairs, and the bill for preſſing ſoldiers for the Iriſh wars, they were again preſented to the King at Canterbury, with an importunate meſſage from both houſes †.

* Whilſt this ordinance was in agitation, an order of parliament was publiſhed, to enable the lord mayor, his commiſſion being but a commiſſion of lieutenancy, and declared illegal, to make uſe of the trained-bands for preſerving the peace of the kingdom, the perſon of his majeſty, and all the members of parliament, from violence and danger. *Nalſon*, vol. II. p. 878.

† In this meſſage the parliament tell the King, that his paſſing theſe bills would be a pledge to them of his gracious intention of concurring with them in their ſubſequent deſires, which they were preparing for him. *Parl. Hiſt.* vol. X. p. 283.

Charles was on the road to Dover, where he pro- Ann. 1641.
poſed to ſee the queen ſafely embarked on her journey to Holland. The queen was conſcious that the parliament was come to ſome knowledge of her intrigues, and apprehended that, on the King's ſecond refuſal, an immediate ſtop would be put to her intended voyage: to facilitate therefore her eſcape, ſhe perſuaded the King to give his aſſent to the preſſing ſolicitations of parliament: and, ſuch was her powerful influence, that, even in this point, ſhe prevailed; and the wiſhes rather than the expectation of the public were gratified *.

A PACKET from the lord Digby, directed to ſecretary Nicholas, was at this time intercepted and opened †. Had the intelligence of the parliament

* The event was celebrated with ringing of bells, bonfires, and illuminations. Clarendon ſays, that it was Sir John Colepeper that, by alarming the fears of the queen, prevailed with her to uſe her influence with the King for the paſſing this act. *Clarendon's Life*, p. 100. *Echard*, p. 526.

† In a letter from lord Digby to the queen, he tells her, that he cannot write to her with freedom till he has a cypher: That he ſhall ſtay at Middleborough, in a private way, till he receives inſtructions how to ſerve the King and her majeſty in thoſe parts: If the King would betake himſelf to a ſafe place, where he could avow and protect his ſervants, he ſhould then live in impatience and in miſery till he waited on her: If the King betook himſelf to the compliant ways of accommodation, which he had done of late, he ſhould then ſerve him more by his abſence than by his induſtry: "And, concludes this complete courtier, it will be a comfort to me, in all calamities, if I cannot ſerve you by my actions, that I may do it in ſome kind, by my ſufferings for your

Ann. 1641. not been ſo good as it was, this would have cleared up effectually the motives of the King's motions and conduct. However, they made no ſteps to interrupt the queen's intended journey, nor ſignified other reſentment at her conduct, than the ſending a reproving, yet a civil meſſage, on the purport of Digby's letter.

Parl. Hiſt. vol. X. p. 318. &ſeq. An impeachment of high-treaſon was ſent up againſt this offender, on the articles of his perſuading the King to levy forces againſt his liege ſubjects; the actually levying forces himſelf within the realm, to the terror of his majeſty's ſubjects *; the endeavouring to raiſe diſſenſions between the King and people; the poſſeſſing the King with a notion, that he could not live with ſafety among them, and that it was neceſſary to betake himſelf to a ſafe place; the adviſing the forming falſe and ſcandalous articles of high-treaſon againſt lord Kimbolton, &c.; the perſuading

ſake; having, I proteſt to God, no meaſure of happineſs or misfortune in this world, but what I derive from your majeſty's value of my affection and fidelity." A letter of Digby's, directed to his brother, Sir Lewis Dives, ſpeaks of his ſtaying at Middleborough till the King ſhould declare himſelf, and retire to a ſafe place.

* Digby, in his apology, owns that he did appear at Kingſton with thoſe reformado officers and ſoldiers, who had formed the King's guard at White-hall, and who had attended him in formidable array to the houſe of Commons. Such a circumſtance, in theſe jealous times, was ſubſtantial enough to be taken notice of; and was a greater proof of the temerity and inſolence of this young man, than a matter of ridicule for the houſe of Commons to take advantage of his indiſcretion, as Clarendon endeavours to repreſent it. *Nalſon*, vol. II. p. 865. *Claren. Hiſt.* vol. I. p. 338.

the

the King to come in perſon, in warlike manner, to the houſe of Commons, and demand the ſaid members, to the apparent danger of his majeſty's perſon, and in high violation of the privileges and being of parliaments. Ann. 1641.

Thanks were returned to the King, for giving his aſſent to the act for diſabling perſons in holy orders to exerciſe temporal juriſdiction; for his care of Ireland, in diſpatching the bill for preſſing; and for his gracious favour expreſſed in his meſſage to both houſes, that he would not grant pardon to any Romiſh prieſt, without conſent of parliament. With this meſſage of thanks the ordinance for ſettling the militia was preſented: This was the only requeſt that the King, in his preſent circumſtances, was determined to deny: it was the only conceſſion that could invincibly fruſtrate his intentions of regaining what he had already been obliged to grant. He replied, That he had not now leiſure to conſider on a matter of ſo high an importance; he could not, therefore, promiſe a poſitive anſwer till he ſhould return; which he intended to do as ſoon as he had put his deareſt conſort, the queen, and his dear daughter, the princeſs Mary, on board, for their tranſportation to Holland *. On the receipt of this anſwer, the parliament inſtantly diſpatched another meſſage, expreſſing grief and diſappointment at the King's evaſive dealing. He had promiſed, they ſaid, by a former

* The King was at Dover, on this errand, when this ordinance was preſented to him.

anſwer,

Ann. 1641. anſwer, that the militia ſhould be put into ſuch hands as the parliament ſhould approve, when the extent of their power, and the time of their continuance was declared: That being done, and the perſons by both houſes nominated, his majeſty yet referred his reſolutions thereon to a longer and very uncertain time: That a delay, when the preſent dangers were ſo great and preſſing, was as unſatisfactory and deſtructive as an abſolute denial: A meaſure ſo neceſſary to defend England from the practices of thoſe who had raiſed combuſtions in Ireland, it was their duty to ſee put in execution: The people, by daily petitions, deſired it; and in ſome counties were, of themſelves, and by their own authority, providing againſt the urgent danger with which they were threatened.

THE queen being now out of the reach of interruption from the parliament, Charles, in his anſwer to their importunate ſolicitations, aſſumed a more peremptory ſtyle than he had hitherto uſed. He could by no means, he ſaid, give his aſſent to their ordinance; nor did he conceive himſelf obliged to ſuch a conceſſion, by any promiſe he had made them. He objected to their preamble, as charging him falſly with a deſign upon the houſe of Commons: He offered to accept of thoſe perſons they had nominated to be lieutenants of the ſeveral counties of England, with the ſame commiſſions he had given during the ſitting of this parliament, excepting to the city of London, and thoſe other corporations, who, by ancient charter, had granted to them the power of the

the militia: If that a greater authority than was by law veſted in the crown, was thought fit to be given to the perſons nominated, he held it reaſonable, that that authority ſhould be firſt veſted in him, with power to transfer it to thoſe perſons: As to the time deſired for the continuance of thoſe powers, he could not conſent to diveſt himſelf of that juſt authority, which God and the laws of the kingdom had placed in him, for the defence of the people, and put it into the hands of any other for an indefinite time: And whereas he obſerved, by their petitions, that ſome perſons began already to meddle with the militia, he expected that the parliament ſhould examine the particulars; and if this did appear to them, then that ſuch perſons be proceeded againſt according to law. The Lords ſent this anſwer immediately to the Commons, and adjourned themſelves till the afternoon, to wait the reſolutions of that aſſembly, when the following votes paſſed the lower houſe, and were agreed to by the Lords: That this anſwer of his majeſty is a direct denial to the deſires of both houſes of parliament, concerning the militia: That thoſe who adviſed his majeſty to give this anſwer are enemies to the ſtate, and miſchievous projectors againſt the ſafety of the King, and peace of the kingdom: That this denial is of that dangerous conſequence, that if his majeſty ſhould perſiſt in it, it will hazard the peace and ſafety of all his kingdoms, unleſs ſome ſpeedy remedy be applied by the wiſdom and authority of both houſes of parliament: That ſuch parts of this kingdom as have put themſelves into a poſture of defence againſt the common danger, have done

Ann. 1641. done nothing but what is juſtifiable, and is approved of by this houſe: That this houſe holds it neceſſary, that his majeſty ſhould be deſired that the prince may come to St. James's, or to ſome other convenient place near about London, and there to continue *: That the Lords be deſired to join with this houſe, in an humble addreſs unto his majeſty, That he would be pleaſed to reſide near his parliament, that both houſes may have a conveniency of acceſs unto him upon all occaſions: That the Lords be moved to join with this houſe, in a full courſe of examination, to find out the perſons who gave his majeſty this advice, that they may be removed from him, and brought to condign puniſhment: That no charter can be granted by the King to create a power in any corporation over the militia of that place, without conſent of parliameet: That the Lords ſhall be deſired to appoint a ſelect committee, that they may join with another of proportionable number of the houſe of Commons, to propoſe what is fit further to be done upon theſe votes, or upon any thing elſe that may ariſe.

* The parliament had before enjoined the marquis of Hertford, under ſevere cenſures, not to let the prince go out of the kingdom; and had paſſed votes againſt all thoſe who ſhould be aſſiſting in ſuch an expedition. They had preferred a petition to the King, not to take him from Hampton-Court, and had ſent an expreſs order to the marquis of Hertford, not to ſuffer him to be removed from thence. They paſſed a remonſtrance againſt the marquis of Hertford; and this not having met with a compliance, ſent ſome members of both houſes to Greenwich, to bring the prince to London; but their meſſengers, finding the King arrived before them, did not attempt to put their orders in execution. *Nalſon*, vol. II. p. 857. *Claren. Hiſt.* vol. I. p. 340. *Parl. Hiſt.* vol. X. p. 208, 320, *& ſeq.*

A DE-

A DECLARATION of both houſes of the preceding reſolutions was immediately ſent to the King *. In this it was declared, That the dangers and diſtempers of the nation were ſuch as could endure no longer dallying: That, unleſs he ſpeedily complied with the demands of his parliament, they would be enforced, for his ſake, and the ſake of the kingdom, to diſpoſe of the militia by their own authority; and were reſolved to do it. On receipt of this meſſage, Charles peremptorily replied, That for the militia, he was ſo much aſſured that his anſwer was agreeable to what in juſtice or reaſon they could aſk, or he in honour grant, that he ſhould not alter it in any point: For his reſidence near the parliament, he wiſhed it might be ſo ſafe and honourable, that he had no cauſe to abſent himſelf from White-hall: For his ſon, he ſhould take that care of him which ſhould juſtify him to God as a father, and to his dominions as a king. This poſitive refuſal produced in the Commons' houſe the following vigorous reſolutions: "That the kingdom be forthwith put into a poſture of defence, by authority of parliament, in ſuch a way as is already agreed on by both houſes." It was farther reſolved, That a committee ſhould be appointed to prepare a declaration to clear the houſe from ſuſpicions conceived againſt it; and to lay down the juſt cauſes of the Ann. 1642.

* The Lords ſignified to the Commons, that by reaſon of the haſte the meſſage to his majeſty required, they had given orders to the lord of their houſe, appointed to carry it, to ride poſt. *Journals of the Commons*, vol. II. p. 448.

Ann. 1642. fears and jealouſies given to the houſe *. Theſe reſolutions were agreed to by the Lords †.

MATTERS being now come to a criſis, Charles, notwithſtanding the earneſt ſolicitations of the parliament,

* The earl of Clarendon, in his own Life, ſuppoſes, that if the King had returned to the parliament after the queen's departure, and that the houſes had been convinced he no longer governed himſelf by her dictates, matters would have been compoſed by very moderate conceſſions on his part: but it was no ſooner known that he intended making a progreſs northward, and of taking the prince with him, than they fell into their uſual heat and debate of their juſt cauſes of jealouſy and diſtruſt. This is in Clarendon an unwary confeſſion of what indeed appears by the hiſtory of theſe times, but what has been conſtantly denied by the friends of Charles; viz. That if the parliament could have truſted him, or had not been informed of the treacherous deſigns on foot againſt the peace and liberty of the kingdom, they would gladly have cloſed the ſcene of civil contention, and been contented with thoſe advantages already gained on the ſide of Liberty. The earl of Clarendon, then Mr. Hyde, who had inliſted himſelf in the ſervice of the court, and betrayed the counſels of parliament, moreover confeſſes, That he ſent to the King, by a previous meſſenger, this meſſage from the parliament, adviſing him, upon the delivery of it by the committee, to make ſome ſhort reſentment of the houſes' proceeding with him; and that Mr. Hyde would draw up an anſwer in length, to be returned to the meſſage in due time. From ſuch inſtruments ſprang that evil counſel which the parliament ſo juſtly complained of; and which, at length, overwhelmed that power which, for their own particular intereſt, they endeavoured with ſuch craft and deceit to ſupport. *Clarendon's Life*, vol. I. p. 109, *& ſeq.*

† The following peers proteſted againſt the reſolution of putting the kingdom into a poſture of defence: Earls of Lindſey, Bath, Southampton, Northampton, Monmouth, Cleveland, Portland; lords Mowbray, Willoughby de Ereſby, Grey, Dunſmore, Seymour, Capel. *Parl. Hiſt.* vol. X. p. 330.

ſet

ſet out with his two ſons for York *, where he ar- Ann. 1642.
rived, by ſlow journeys, on the nineteenth of March †.

* The King acquainted Mr. Hyde with his intention of retiring northward; and directed him to give him, from time to time, intelligence of thoſe matters which concerned him; and to propoſe anſwers to all the meſſages and declarations that the parliament ſhould ſend to him. *Claren. Life*, vol. I. p. 107.

† Acts paſſed in this parliament.

1. A ſubſidy of tonnage and poundage, &c.
2. An act for raiſing mariners, &c.
3. An act to relieve captives taken by the Turks, &c.
4. A ſubſidy of tonnage and poundage.
5. An act for raiſing mariners, &c.
6. An act for diſabling perſons in holy orders to execute temporal juriſdiction and authority.
7. An act for the raiſing ſoldiers for the defence of England and Ireland.
8. A ſubſidy of tonnage and poundage.
9. An act for a contribution and loan for the diſtreſſed people of Ireland.
10. A ſubſidy of tonnage and poundage, for the raiſing and levying of money for the neceſſary defence, and great affairs of the kingdoms of England and Ireland; and for the payment of debts undertaken by the parliament.
11. An act for the reducing the rebels in Ireland to their obedience to his majeſty, and the crown of England.
12. An act for an explanation of a former act for reducing the rebels in Ireland.
13. An act to enable corporations to adventure in Ireland.
14. An act for the farther reducing the rebels in Ireland.
15. A ſubſidy of tonnage and poundage.——It has been already obſerved, that the Commons, to prevent the King from making uſe of the public money to his private ends, and to keep him entirely dependant, till the new-modelled government was thoroughly eſtabliſhed, had, under the pretence of not having leiſure to ſettle a new book of rates, given theſe ſubſidies of tonnage and poundage for a ſhort time, collected them by officers of their own appointing, and exerciſed the authority of applying them to their proper uſes. The King expreſſed his reſentment

Ann. 1642. WHILST the King thus premeditated hoſtile intentions againſt the power of parliament, and the liberty and peace of England, Ireland remained neglected, notwithſtanding that the contagion of cruelty, and the ſpirit of unnatural oppoſition, had ſpread itſelf over the whole papiſtical body. The Commons, anxious to revenge the miſchiefs the Proteſtants had already received, and to ſecure them from farther evil, forwarded, to the utmoſt of their power, the negociation which had been entered into with the Scots. Charles, who intended to render the Iriſh rebellion an inſtrument to execute his deſigns againſt the liberty of the whole empire, with great earneſtneſs preſſed the ſending at leaſt an equal number of Engliſh forces into Ireland, on pretence that the Scots would ſeize upon that kingdom, when they had ſubdued the natives. Whilſt the biſhops ſate in the upper houſe, he found means to gain the majority of peers on his ſide; ſo that, whenever the Commons moved that the offer of the Scots might be accepted, and that ten thouſand of them, who could be eaſily, and at a ſmall expence, conveyed over, ſhould be ſent for the relief of their diſtreſſed Proteſtant brethren; the Lords returned anſwer, That

at this conduct, on the paſſing the act of the laſt ſubſidy of this kind he received. He reprehended the Commons for not having given it him for as long a time as it had been given to his anceſtors; hinted that this ſhould be the laſt bill of the ſort that he would paſs; and reminded them of thoſe good intentions they had expreſſed, to conſider no leſs his ſubſiſtence and ſplendor, than their own liberties and intereſts. *Parl. Hiſt.* vol. X. p. 263, *& ſeq.*

they

they would conſent, provided an equal number of Engliſh were permitted to go at the ſame time. Nothing could be more perplexing to the Commons than this oppoſition; either the Proteſtant intereſt muſt be ſacrificed in Ireland, and themſelves incur the blame of impeding aſſiſtance; or, if they gave way to the King's propoſals, they hazarded the loſs of religion and Liberty, by raiſing a large military power, which would be under the government and direction of the avowed creatures of the crown; and whoſe principles, both in religious and civil matters, were as malignant as thoſe of the Papiſts. Ormond, a ſpecial pupil of Strafford's and the prelate Laud's, whoſe ſenſe of political duty was contained in the narrow compaſs of perſonal loyalty to the King *, had been, from the commencement of the rebellion, appointed commander in chief of all the forces in that kingdom. Such being the obvious dangers, the Commons were obliged to riſk their popularity to avoid ruin; and, notwithſtanding the clamours and malicious inſinuations of the court party, not only diſregarded an offer from the King, of raiſing ten thouſand volunteers for Ireland, but when, by his commiſſion, drums were beating, and men enliſting, they put an effectual ſtop to the proceeding, by taking up colonel Hill, and other officers, for engaging in a bu- Carte's Life of Ormond, vol. I. p. 201.

* To the utmoſt of his power he had obſtructed every meaſure of the Iriſh parliament, in favour of Liberty; and had defended the tyrannical practices of every corrupt officer of the crown. See, in Strafford's Letters, and Carte's Life, this nobleman's principles of paſſive obedience to church and ſtate, with his views of aſpiring to court-favour, from the merits of a conformable practice.

ſineſs

Ann. 1642. fineſs of that importance without their advice and conſent. The great reputation they had gained by their public-ſpirited meaſures, joined to the good ſenſe of the age, ſaved them from odium: Their party were ſucceſsful in giving the people proper notions on the ſubject; the petition from the citizens of London, expreſsly declaring, That the Iriſh Papiſts would never be ſubdued by volunteers *. The obſtinacy of the Lords in regard to the Scots treaty, and their not paſſing the preſſing act, diſabled the Commons from ſupplying farther aid to Ireland, than the twenty thouſand pounds, ſent over on the firſt commencement of the inſurrection, two or three regiments of foot, and ſome arms and ammunition. They at laſt prevailed with the upper houſe to agree to the ſending over two thouſand five hundred Scots, till the treaty for the ten thouſand ſhould be concluded. The King delayed the buſineſs for ſome time, by objecting to one of the conditions propoſed, viz. That Carrickfergus, the moſt conſiderable ſea-port town in the north of Ireland, ſhould be put into their hands: This, on the ſpecious pretence, that it would be too great a truſt for auxiliary forces. The Commons, who thought the forts of that kingdom much ſafer in the hands of the Scots, than in thoſe of an army devoted to the King, immediately cloſed in with the propoſal; and, for the ſame reaſon, contrary to previous reſolutions, gave way to the Scots being entirely governed by their own commanders; not to be

Rapin, vol. XI. p. 334, & ſeq.

* Meaning that an army raiſed by the King would never ſubdue thoſe whom he wiſhed not to ſubdue.

ſubject

ſubject to the ſtate of Ireland, but only anſwerable to the King and parliament of England *. Ann. 1642.

CHARLES, finding himſelf preſſed by the Commons and by the Scots, who repreſented to him, That it would be ſhewing a very ungracious diſtruſt in his own ſubjects and countrymen, not to place the ſame confidence in them that the parliament of England were inclined to do; and not daring, in his preſent ſituation, to incur the odium of putting a total ſtop to the relief of Ireland; gave at length an unwilling aſſent.

Affairs of Ireland.

BUT whilſt every part of the king's conduct manifeſtly tended to an open breach with the parliament, and confirming thoſe jealouſies which had been long entertained of him, created invincible obſtacles to the ſending from England any powerful aid to Ireland, that rebellion became formidable by the entire union of the large body of Iriſh papiſts. The rebels, after having made themſelves maſters of moſt of the ſtrong places in the north of Ireland, marched up towards Dublin, laying ſiege to Drogheda, a place of importance, on account of its neighbourhood to the capital. It would be tedious, in a narrative of this general kind, to give the hiſtory of particular ſieges and battles: it is ſufficient to ſay, that the Engliſh garriſon, under the command of Sir Henry Tichburn, a valiant and judicious officer, maintained this town, though its

* The King's intention being by this time pretty obvious, it was the buſineſs of the Commons to prevent the forces ſent into Ireland from being ſubject to the ſtate of that kingdom; its preſent head-officers, tho' well-affected men, being liable to be changed at the King's pleaſure, and others devoted to his ſchemes put in their places.

walls

Ann. 1642. walls of defence were in an old and crazy condition, againſt the whole power of the rebels, famine within, and the diſaffection of the papiſt-inhabitants, by whoſe intrigues part of the rebel army were more than once introduced into the town. The vicinity of theſe forces, with the unlucky defeat of ſome troops that were ſent from Dublin to the relief of Drogheda; the apparent evil intentions of the Engliſh Papiſts of the pale; ſome political reaſons ariſing from the ſuſpicious inclinations of the old army, which had been raiſed and diſciplined by Strafford; the known malignity of ſome of the officers in high command, of Ormond in particular; occaſioned the juſtices to keep on the defenſive, till the arrival of ſuccours daily expected from the Engliſh parliament.

Temple's Hiſt. of the Iriſh Rebellion, 4to. Ed. 1724, p. 49, & ſeq.

THE tumultuous reſort of papiſts to the city of Dublin, many of them by their ſpeeches diſcovering their ill affections to the Proteſtants, occaſioned the government to iſſue out a proclamation for the diſcovery and removal of ſuch as ſhould come to and continue in the city, without juſt or neceſſary cauſe. To prevent the exceeding ſpreading of rapine and murder, a proclamation was iſſued out, in favour of the poorer ſort of people in the counties of Meath, Weſt-Meath, Louth, and Longford, who had been drawn in to pillage their Engliſh neighbours, by the ſucceſs of the firſt conſpirators, and the example and ſolicitations of their chiefs. To all of theſe who were not guilty of blood, promiſe was made, on terms of ſubmiſſion and reſtitution, that no farther proſecution ſhould be held againſt them: To the remonſtrance likewiſe of the inhabitants

tants of the county of Cavan, a civil anſwer of readineſs to redreſs juſt grievances was returned, provided that farther acts of rapine and violence were forborne, and the goods of the Engliſh reſtored. The remonſtrance itſelf was tranſmitted to the lord-lieutenant, to be preſented to the King. Whilſt the juſtices endeavoured in vain to diſunite from the Iriſh chieftains their followers, they took meaſures to conciliate, if poſſible, the affections of the Engliſh of the pale. In their proclamation, publiſhed immediately on the diſcovery of the conſpiracy, they had made uſe of the words Iriſh Papiſts; this being captiouſly excepted againſt, as too general an expreſſion, another proclamation was immediately ſet forth, explaining the meaning of the former; that they did not intend any of the old Engliſh of the pale, or any other parts of the kingdom, being well aſſured of their fidelities to the crown, and having had experience of the good affection and ſervices of their anceſtors, in former times of danger *. It was not with words only that the juſtices endeavoured to allay the malice of this body; they ventured on the dangerous expedients of truſting them with arms, and the granting commiſſions to the perſons of chief quality among them, to raiſe and command forces, to preſerve the peace of the ſeveral counties, with a power to execute martial law.

Ann. 1642.

Borlaſe, p. 22.

Temple, p. 50, 52.

Borlaſe, p. 23.

THE parliament of Ireland, after they had executed all the buſineſs that affected the interior government

Carte, vol. I. p. 221, & ſeq.

* The proclamation likewiſe enjoined all the ſubjects, whether Proteſtants or Papiſts, to forbear all upbraidings in matters of religion. *Borlaſe*, p. 23.

Ann. 1642. of the kingdom, adjourned till the ninth of November, in expectation of the return of their committees with the promiſed graces. The inſurrection, with the attempt on the caſtle of Dublin, happening before this period, the lords juſtices, fearing that the concourſe of ſtrangers, which would flock to the capital, on this occaſion, would afford to the diſaffected an opportunity to machinate new plots, by proclamation prorogued the parliament to the twenty-fourth of February. This was an unexpected interruption to the deſigns of the pale; their lawyers diſputed the legality of ſuch a prorogation, and declared that, unleſs the houſes met the day to which they were adjourned, the parliament would be diſſolved. The juſtices, not caring to act doubtfully when a point of law was in queſtion, gave way to the meeting; when, without entering into buſineſs, the two houſes adjourned till the ſixteenth. There was not wanting a faction in the council who diſapproved the prorogation. The juſtices and their party urged the danger of bringing a number of ſtrangers to the city; that ſeveral of the Proteſtant members were diſperſed, or ſhut up, or employed; that they could not repair to the meeting; that therefore the Roman-catholics would be ſuperior in number, and carry things according to their own humour. The majority of the council adhered to the prorogation; but, to avoid giving unneceſſary offence, the active popiſh members, who had been the moſt tenacious on this occaſion, were told, that though the council could not abſolutely remove the prorogation, they would limit it to a ſhorter time: That the parliament ſhould have leave

leave to ſit one day, if they would make a proteſta- Ann. 1642.
tion againſt the rebels: That, if they pleaſed, they ſhould have liberty to depute ſome of their members to treat with the rebels about laying down arms; and that the council would be ready to receive whatever grievances they had to complain of, and tranſmit them to his majeſty, for a ſpeedy redreſs.

When the two houſes met, they took into immediate conſideration the ſtate of the nation, and the framing a proteſtation againſt the inſurgents; but, notwithſtanding the committee juſt returned out of England, and others of the popiſh party, not only arraigned the expediency of the prorogation as an obſtruction of the graces they had obtained * of the King, but as a deeper injury done to the kingdom, in preventing them from expreſſing their loyal affections, and ſhewing their deſires to quell ſo dangerous a rebellion, they could not be perſuaded in the Commons' houſe to ſtyle theſe deteſtable maſſacriſts by ſo rough an appellation, as that of rebels; but called them diſcontented gentlemen, uſing much artifice to varniſh over the moſt flagitious, bloody, and violent of their acts; fearing, it was thought, that, if they cloathed their ſentiments with a high degree of hypocriſy, it might move the rebels, not diſcovering their reaſons, to recriminate; and ſhew that they Temple, p. 128, & ſeq.

* They had obtained every thing they had aſked of the King; they came laden with bills for the graces, and order for others to be immediately tranſmitted by the ſtate, to be paſſed in form in the privy-council of England.

Ann. 1642. were clandeſtinely involved in the plot †. This conduct occaſioned a Proteſtant member to obſerve, that

† Dr. Maxwell teſtified, on his examination, that he heard Sir Phelim O'Neal, in a large company ſay, That if the popiſh lords and gentlemen would not riſe, but leave him in the lurch, he would produce his warrant, ſigned with their hands, and written with their own blood, which ſhould bring them to the gallows. The wife of Philip O'Reily complained of the tardineſs of the Engliſh of the pale, and ſaid, that the meer Iriſh, if theſe had not ſet them on, would not have begun ſo troubleſome a work. Patrick O'Bryan affirmed, upon oath, that all the nobles in the kingdom that were Papiſts, had a hand in the plot. By the evidence of Francis Sacheverel, Eſq; it appears, that four ſeveral Iriſh popiſh prieſts ſhould atteſt, That the prieſts, jeſuits, and friars of England, Ireland, Spain, and other countries, were the contrivers and projectors of the rebellion: That they expreſſed their hopes of being able to ſubdue the Engliſh government in Ireland, and then to conquer England. By lord Macguire's evidence, it was propoſed to the chief gentlemen of Ulſter, at the time Mr. John Bellew came out of England, with a commiſſion for the continuance of the Iriſh parliament. Roger More, who among thoſe ruffians was counted a man of honour, and who was allied to many families of the Engliſh pale, told the Iriſh, that when they had once roſe, the gentlemen of the pale would not ſtay long after; at leaſt they would not oppoſe them: moreover, he had ſpoken to the lord Mayo, a great man among them, of powerful command in the parts of Connaught, who would not fail to appear the day appointed, and be ſeen in the act. Sir James Dillon, and other gentlemen of the pale, promiſed to appear after the taking of the caſtle of Dublin. Mac Mahon confeſſes, in his evidence, that all the chief nobility and gentry of the kingdom were engaged in the plot; and particularly all the popiſh party, in the committee ſent into England, and in both houſes of parliament, knew of it. William Fitz-Gerald affirmed, That Sir Phelim O'Neal told him, that what he did was by direction and conſent of the prime nobility and gentry of the whole kingdom; and that what he did in the northern parts was executed in Dublin, and in all other forts and towns throughout Ireland, as being a courſe reſolved upon among the lords and gentry, for the preſervation of his majeſty's prerogatives, their own religion and liberties, againſt the puritan faction in England. Both colonel Read, and the lord Macguire, teſtified, that Gormanſtone knew of the plot whilſt he was in England; the latter affirming, that he was told by colonel Plunket, that he had told both Gormanſtone, and others of the Iriſh committee, of it; and that they approved it. The popiſh lawyers, in the ſeſſions that immediately preceded the breaking out of the inſurrection, declared the following propoſitions to be the law of the land, viz. That being killed in rebellion, though found by matter of record, would not incur the forfeiture of eſtates: That though thouſands ſtood up in arms, making deſtruction, and breaking the peace of the kingdom, yet, if they profeſſed not to riſe againſt the King, it was not rebellion: That if a man was out-lawed for treaſon, and his land thereby veſted in the crown, or given away by the King, his heir might reverſe the outlawry, and recover his anceſtor's eſtate. Whilſt theſe men cloathed their pretenſions with the language of patriotiſm, the well-meaning Proteſtant members not only heard them with applauſe, but joined with them in the proſecution of thoſe officers of ſtate, who had ſtretched the prerogative beyond its legal limits. On pretence that the earl of Strafford's ſervants, in revenge of their maſter's death, intended a miſchief to the parliament, ſome of the popiſh members, in this ſame ſeſſions, moved the houſe, and obtained orders for the ſearching of the King's ſtores for powder and arms: The committee appointed for this office moved the juſtices, that they might be admitted to ſee the magazines of powder and arms lodged in and about the caſtle: This ſtrange requeſt was refuſed by the juſtices. *Temple*, 4to Ed. 1724, p. 61. *& ſeq.* *Borlace*, p. 12. *Carte*, vol. I. p. 161, *& ſeq.*

many paſſages in the aſſembly were too like Catalines in the ſenate; that as to any thing that might ſoften the rebels, he conceived they were hardened with ſo much villany, that they eſteemed all things juſtifiable that were attainable; and therefore it was fit that that houſe ſhould act as if they were ſenſible of the cruelties they had committed; and truſt to God to vindicate his and his people's cauſe. The proclamation had occaſioned a thinneſs in both houſes, by preventing the members of the diſtant counties from coming up. In the houſe of Lords there were but few of Ann. 16,2.

the

Ann. 1642. the popiſh party and but one biſhop; therefore the majority conteſted ſo ſtrongly the cold proteſtation which had been ſent up by the lower houſe, that they were obliged to compromiſe the matter, and alter their ſtile ſo far as to ſay, that ſundry ill-affected perſons had rebelliouſly and traitorouſly raiſed arms. The two houſes joined in an ordinance, empowering a committee to confer with the northern rebels, touching the cauſe of their diſcontent; and continued to ſit two days, earneſtly preſſing the ſtate to allow them a longer ſeſſion. The juſtices denied this requeſt; but complied ſo far with their deſires, as to ſhorten the prorogation to January the eleventh. They paſſed an ordinance, empowering the juſtices to raiſe and arm the poſſe of what counties they thought fit. The lord Dillon of Coſtelough, one of the committee which had been ſent into England, and who, it was ſuppoſed, was privy to the commiſſion for the riſing of the Iriſh, having been diſpatched by the queen to the King in Scotland, was appointed by the lords to return thither with a repreſentation to the King, concerning the ſtate of the kingdom. In his more private inſtructions he was ordered to negociate the ſtaying of forces that ſhould be ſent out of England; that the government ſhould be put entirely into the earl of Ormond's hands; that the parliament ſhould remove ſuch officers of ſtate as they thought fit, and recommend natives to their place *. With this nobleman em-

Temple, p. 72, & ſeq. 130. Borlaſe, p. 34.

* The demands, compriſed in all the ſeveral remonſtrances which were ſent up by the Papiſts, were of the following kind: Reſtoration of the public profeſſion of the Romiſh religion, biſhoprics, deaneries, friaries, nunneries, all other ſpiritual promotions, and impropriation of tithes:

barked the lord Taaffe, who had preſented to the council a letter from the rebels at Longford, in the nature of a remonſtrance; deſiring, among other Ann. 1642.

tithes: Reſtitution of all the plantation-lands to the old inhabitants, with the full ſecurity of their eſtates by act of parliament. With theſe exorbitant requeſts were others of a more rational nature: That the parliament of Ireland ſhould be declared independant of the parliament of England; and that it had in itſelf a ſupreme juriſdiction as abſolute as that of England: That Poyning's act ſhould be repealed: That, as in England there had paſſed an act for triennial parliaments, ſo in Ireland there ſhould paſs one for ſexennial parliaments: That there ſhould be a militia eſtabliſhed: That the offices of government, and the command of the militia, ſhould be put into the hands of the natives: That monopolies ſhould be taken away by act of parliament: That new corporations, which had not the face of corporate towns, and had been only created to give voices in parliament, ſhould be diſſolved: That the King ſhould releaſe all tenures *in capite*, and by knights ſervice, in conſideration of a ſettled revenue: And that the exportation of native commodities ſhould be free. Theſe articles, relating to the interior government and trade of Ireland, muſt be confeſſed, by every unprejudiced mind, to be founded on the common rights of all mankind; therefore, had they not been introduced by a prelude of ſuch atrocious acts of violence, as declared the actors unworthy to partake of the advantages of civil community, ought to have been granted by the Britiſh legiſlature. Such immunities, with an union between the two kingdoms, would in all probability have followed the eſtabliſhment of the graces, had the Papiſts of Ireland, inſtead of flying out againſt the patrons of Liberty, lent them their aſſiſtance towards eſtabliſhing a perfect ſyſtem of Freedom in all parts of the Britiſh empire.

As it has been elſewhere obſerved, the Proteſtant members of the Iriſh parliament went hand in hand with the Papiſts in all propoſals tending to eſtabliſh the freedom of the Iriſh conſtitution: On the article of the Engliſh parliament's encroaching on the parliament of Ireland, the Papiſts acquieſced, whilſt they found it their intereſt to keep well with the popular party in England: On a member of the Iriſh parliament being called before the Engliſh ſenate, and addreſſing themſelves to their own parliament, to defend them and their privileges, he was oppoſed by a Papiſt, who repreſented, that the houſe would do well not

Ann. 1642. demands, the free exercise of their religion, and a repeal of all laws to the contrary.

Rapin, vol. XI. p. 277. When the parliament of England heard of these transactions, they declared that they would never consent to any toleration of the popish religion in Ireland, or any other of his majesty's dominions. According to a vote in parliament, passed November the twenty-third, they seized the two peers, and took possession of their papers: these having made their escape with one Thomas Burke, a brother of the lord Clanrickard, who came over much about the same time, and on the same errand, retired to York, and constantly followed the court, to negociate the affairs of their countrymen.

Journals of Commons, vol. II. p. 323.

The Lords of the pale, now finding themselves, by the prorogation of the parliament at this critical time, prevented from taking the management of affairs entirely into their hands, according to the promise they had made to the queen, began openly to avow their hitherto-concealed sentiments. The defeat of the English, at St. Julian's town-bridge, near Drogheda, furnished the rebels with arms and reputation: their number increased so exceedingly, that their forces about Drogheda and between this town and Dublin, amounted to twenty thousand men. Encouraged by this unexpected success, the English of the pale, on the authority of a warrant issued from the lord Gormanstone, had a general meeting on the hill of Crofly, in the county of Meath; to this assembly there came a deputation

Borlase, p. 39, & seq. Temple, p. 139, & seq.

not to take notice of the representation, lest variance should arise between the two parliaments. *Temple*, p. 73, *& seq.*

putation from the rebel army, viz. Roger More, Hugh Birn, &c. The lord Gormanstone, and other lords of the pale, rode to meet them, and asked them their reasons for coming armed into the pale. Roger More, the speaker of the company, returned answer, That the ground of their coming, and of their taking up arms, was the freedom and liberties of their consciences, the king's prerogative, in which they understood he was abridged, and the freedom of the Irish subject. The lord Gormanstone, after asking them a few more questions to the same purport, told them, that, as these were their true ends, the pale would join them. This farce was concluded with a proclamation, that whosoever refused to unite with, or assist their joint-forces, should be accounted an enemy, whose destruction they would, to the utmost of their power, labour. Ann. 1642.

When these proceedings were made known to the justices, they sent a letter to those nobility of the pale who were in the neighbourhood of Dublin, demanding their assistance at a conference concerning the present state of the kingdom. The first meeting of the nobility and gentry of the pale was immediately followed by another at the hill of Taragh, from which place a letter of refusal was sent to the justices, on the pretence that the popish nobility and gentry could not with safety attend the council-board, having been informed that Sir Charles Coot had dropped hints tending to a resolution to execute on all those of their religion a general massacre. In answer to this ridiculous charge, the council published a proclamation, giving them assurance of safety, if they would repair to

Ann. 1642. Dublin: withal teſtifying, that they never heard any ſpeech tending to ſuch a purpoſe; nor was it even in their thoughts to diſhonour the government by ſo odious, impious, and deteſtable an action. A party headed by the ſon of viſcount Netterville, who had met in arms at Swoords, refuſed obedience to a warrant from the ſtate, charging them to ſeparate; and threatened to encamp at Clantarf, a village ſtanding on the harbour of Dublin. Some of their followers ſeized on a bark lying there, and carried off all the commodities they found in her. On this the Lords-juſtices ſent out a party of horſe and foot, to prevent any large body of the rebels lodging at Clantarf, and making themſelves maſters of the few ſmall veſſels that lay in the harbour. The Iriſh Papiſts of Engliſh extraction, having thus fully publiſhed their intentions, proceeded to put the whole circuit of the pale into a poſture of war. The lord viſcount Gormanſtone was declared general of their forces, Hugh Birn lieutenant-general, and the earl of Fingall general of the horſe; theſe lords had power to nominate captains and to raiſe ſoldiers, eight of which were to be maintained out of a plough-land, containing one hundred and twenty acres: applotments were made of the proportions of corn and cattle to be furniſhed out of every part for the general proviſion of the army. The beſiegers of Drogheda were ſupplied with every thing ſuitable to their wants; the ways of Dublin were blocked up, and the country people forbid to carry thither their corn. Warrants, in a ſtrain of high authority, were iſſued out by Gormanſtone; whereby thoſe, who had been appointed to raiſe and maintain men, were enjoined to do it on pain of death.

Temple, 4to Ed. p. 146, & ſeq.

death. Overſeers were nominated, with powers to threſh out and ſecure all the corn belonging to the Proteſtants, for the uſe of the rebel army; and thoſe recuſant-gentlemen who had been appointed captains of companies, and received arms for the protection of the ſtate, all revolted to the ſervice of the rebels. Ann. 1642.

From this period, the rebellion, by a quick progreſſion, ſpread itſelf throughout the whole kingdom, with all thoſe circumſtances of blood and violence that attended the firſt inſurrection; the Iriſh Papiſts of Engliſh extraction boaſting, as a meritorious act, that they had killed more Proteſtants in Fingall, than had been killed in many other counties*. Borlaſe, p. 51.

In the firſt order of the parliament of England, before they had received intelligence of thoſe abominable cruelties which had been committed by the rebels, they recommended to the ſtate of Ireland, according to the power of a commiſſion obtained of the King, to beſtow a pardon on all ſuch as within a convenient time ſhould return to obedience. Notwithſtanding this manifeſtation of the fairneſs of their intentions; notwithſtanding the aſſiſtance they had given to the Iriſh parliament, to redreſs all the juſt grievances of the Borlaſe, p. 50, & ſeq.

* Sir John Temple ſays, that when, by the union of the Engliſh of the pale with the Iriſh, the rebellion of the Papiſts became general, with one voice they ſounded forth from all the provinces of Ireland the ſame language, they uſed the ſame remonſtrances, made the ſame pretences for their juſtification, and followed the ſame courſe, firſt in ſtripping, then baniſhing and murdering the Britiſh and Proteſtants. *Temple*, 4to Ed. p. 66, *& ſeq.*

Ann. 1642. kingdom; the rebels pretended that they lay under the neceſſity to take up arms, for the defence of their property, lives, and religion, the puritan party in the Engliſh parliament having threatened them with a general extirpation; grounding this aſſertion on the report of a few idle ſpeeches, ſpoken by individuals, many of which were without ground *. Nothing could be more weak

† Sir William Parſons and Sir Adam Loftus had declared it was ſaid, that 10,000 Scots were to arrive in Ireland to force the Papiſts to change their religion. Wagers had been laid, at the general aſſize, that within one year not one Catholic ſhould be ſeen in Ireland: It was commonly reported, that the parliament of England had a plot to bring all the Papiſts to church, or extirpate them the kingdom. Theſe are the frivolous grounds on which the Papiſts, in a remonſtrance to the King, pretended to juſtify their flagitious conduct. It was formally contradicted by the ſtate, that ſuch words were ever ſpoken by Sir William Parſons and Sir Adam Loftus; nor could the truth of ſuch a declaration, if there ever had been any ſuch, gain belief among the Iriſh Papiſts; for they fondly imagined, that the King's conceſſions had gained ſo far on the Scots, as to attach them entirely to his and their joint intereſts; and ſo fondly perſuaded were the Iriſh Papiſts of this opinion, that when, as auxiliaries to the ſtate of England, they were invaded by the Scots, they regarded this people as friends till, by their acts of hoſtilities, they convinced them that they came in a contrary character. The ſtory of the wager had its riſe from the following innocent joke: A Papiſt having aſſerted, at the ſheriff's table, that he would never go to church, he was merrily anſwered by a Proteſtant, "I will give you five pounds; and you ſhall give me fifty for it, if you come not to church within this time twelve-month." For the report concerning the parliament of England, it muſt be regarded by the men of knowledge among the Iriſh Papiſts to be groundleſs, the meer creature of ſedition, ſince, tho' the Engliſh parliament had ſhewn a well-founded jealouſy of the Engliſh Papiſts, theſe having ever diſtinguiſhed themſelves as the tools of power; they had acted in a cordial, friendly manner by the Iriſh Papiſts, whilſt this body pretended to conduct themſelves on the principles of Liberty; and had aſſiſted their agents in

than the flagitious conduct of the Engliſh of the pale, Ann. 1642.
a conduct by which they united themſelves to a parcel of male-contents with whom they had always been at variance, on motives of intereſt and national prejudices; men, whoſe anceſtors having forfeited by rebellion, thoſe eſtates which the Engliſh of the pale enjoyed, did not regard themſelves as benefited by the immunities which the kingdom was on the point of attaining, and which nothing but ſo general a rebellion could probably have prevented. The abſurdity of their conduct was ſo obvious to theſe Iriſh deſperadoes, who ſtill retained their ancient animoſity againſt men, whom they regarded as invaders of their rights, that with many inſulting ſcoffs, they upbraided them with their folly, ſaying publickly, "We have now put a trick upon the old Engliſh of the pale, for all the old tricks they have put upon us." They would likewiſe threaten them in the following manner: "Do you think, if we were rid of the Engliſh, that we would ſpare you? No. Though we make uſe of you at preſent, we would cut all your throats; for you are all of one race with the other Engliſh †." Powerful muſt be that influence which could

in every laudable attempt they had made to vindicate their freedom. *Ruſhworth*, vol. IV. p. 385, *& ſeq.*

* It is ſaid, that the gentlemen of the pale continually lamented their misfortune, in being joined to people who had ever been their enemies: That it was the practice of the old Iriſh to ſteal their horſes, and bring them back for premiums, which had been offered for finding them: That they would be continually ceſſing ſoldiers on them, and take every opportunity to defraud and oppreſs them. Such was the inveteracy of the Iriſh prieſts againſt their own order in the pale, that they would not let any of them ſay maſs in their churches. *Carte*, vol. I. p. 257.

unite

Ann. 1642. unite two bodies of men, whoſe anceſtors, till the plantation of the new Engliſh and Scots in Ulſter, had, for the ſpace of four hundred years, harraſſed one another with incurſions and depredations. It is to be gathered from circumſtances, that when the infernal plot of the Iriſh inſurrection was machinated at Whitehall, it was there agreed, that the old Iriſh, having little or no property to loſe, would be more forward to begin the ſcene of confuſion; that the Iriſh Papiſts of Engliſh extraction, having in former times acted ſucceſsfully and powerfully againſt the northern Iriſh, would be truſted with the buſineſs of their reduction; that, by a majority in parliament, which muſt be the natural conſequence of the rebellion *, they would procure to themſelves and thoſe Proteſtants who were devoted to the King, the management of all affairs, both civil and military; and by this means be able, not only to maſter the hot ſpirits at Weſtminſter, as they vaunted to the queen, but curb the too preſuming pretenſions of their natural enemies the old Iriſh. Certain it is, that when, by the caution of the council of Ireland, they were obliged to declare themſelves on conditions not equally advantageous to their firſt views, they ſhewed ſo great a diſtruſt of their confederates, that they employed agents to prevent their own body from enliſting themſelves under Roger More, or any of the Iriſh commanders.

Carte, vol. I. p. 262.

* Many of the Proteſtant members were ſlain and detained priſoners, whilſt every popiſh recuſant in the kingdom retained his freedom, and remained unmoleſted.

As

As the rebels always avowed their perſonal loyalty Ann. 1642.
to the king, and that their quarrel lay againſt the other parts of the Engliſh legiſlature, who had abridged his prerogative, the juſtices, to exculpate majeſty from countenancing ſuch villany, and to prevent, as they expreſs themſelves, the ignorant multitude from being ſeduced to the rebel party under ſuch an opinion, ſent over a proclamation to be immediately publiſhed by the King: Twenty of which, it would be neceſſary, they ſaid, ſhould be ſigned by his own hand, and ſealed with his privy-ſignet, to be diſperſed ſeveral ways. No other authority, they aſſerted, would be ſufficient to convince the rebels that it was his act. The letter, in which the King was puſhed ſo home to declare his diſapprobation of the conduct of the Iriſh recuſants, was directed to the earl of Leiceſter the lord lieutenant; therefore could be no ſecret. This circumſtance, with that of the houſe of Commons declaring at this time, that one great obſtruction to the relief of Ireland was, that the Iriſh had not been declared rebels by proclamation, obliged the King to iſſue out one, in which they were nominated traitors and rebels. To the King's printer was ſent an expreſs command, ſigned by Edward Nicholas, one of the ſecretaries of ſtate, that forty and no more ſhould be printed, and not any of them publiſhed till farther orders. The rebels gave little credence Rapin, vol. XI. p. 283.
to the words of the proclamation, declaring it was either counterfeit or forced unwillingly from the King. They united themſelves in one body, under Borlaſe, p. 56.
the ſtyle of The Confederate Roman-catholics of Ireland; binding themſelves to the confederacy by an oath

Ann. 1642. oath of aſſociation, to maintain and defend the public and free exerciſe of the popiſh religion againſt all perſons that ſhould oppoſe the ſame; to bear faith and allegiance to the King and his heirs, and ſucceſſors; to defend them with their life, power, and eſtate, againſt all thoſe that ſhould attempt any thing againſt their royal perſons, eſtates, honours, and dignities, or that ſhould directly or indirectly endeavour to ſuppreſs their regal prerogatives.

CHAP. IV.

An ordinance to ſettle the militia by authority of parliament paſſes both houſes.——Reſolutions of the parliament concerning putting the kingdom into a poſture of defence.——Declarations and meſſages paſs between the King and parliament.——The parliament take meaſures to ſecure Hull, and to prevent the importation of foreign troops.——Farther precautions of the parliament.——The King offers to go in perſon to Ireland.——The parliament declare againſt the King's intention.——The King endeavours to ſecure Hull, but is foiled.——He declares Sir John Hotham a traitor.——The parliament juſtify their governor, declare the King's proceedings to be contrary to law, and take farther meaſures to ſecure the northern parts of the kingdom.——Papers paſs between the King and the parliament on the buſineſs of Hull.——The King refuſes the parliament's bill to ſettle the militia.——Declarations on both ſides.——The King iſſues out a proclamation which the parliament countermands.——Nine peers impeached by the parliament.——The King levies forces under the guiſe of a guard

a guard.——The parliament ſecure to themſelves the command of the fleet, and take other meaſures to prepare againſt the threatened war.——Declarations.——Littleton the lord-keeper leaves the parliament, and carries the great ſeal to the King.——The parliament ſend nineteen propoſitions to the King, which are rejected.——The King diſavows an intention of levying war on the parliament, yet takes meaſures to put himſelf in a military poſture.——On receiving foreign ſupplies, he declares war on his oppoſers.——Endeavours in vain to get the command of the fleet.——Fruitleſs expedition againſt Hull.——The parliament paſs a vote for raiſing an army, and prepare for defence.——They ſend propoſitions to the King for peace, which are rejected.——Goring the governor of Portſmouth declares for the King.——The King publiſhes a declaration againſt the parliament, in which he requires his ſubjects to repair to his ſtandard at Nottingham.

Ann. 1642.

IT was at this period that the nation was convinced of the truth of thoſe arguments which had been urged by the popular leaders in the debates on paſſing the remonſtrance, viz. that vigilant counſels and vigorous meaſures were neceſſary to ſecure to the public the good laws which had paſſed this parliament *.

* What theſe popular leaders particularly alluded to, was the intended impeachment of the ſix members. They had intelligence of this deſign from the committee appointed to watch the King's actions in Scotland, who procured the return of the forged ſubſcription of names, which had been affixed to Saville's invitation. Theſe men, by their great abilities, directed all the movements of the Scots in regard to Great Britain: They were of the committee to treat with the commiſſioners of that kingdom, in all affairs that concerned the peace of the two nations.

Ann. 1642. There was now no queſtion, that the King intended, by the accuſation of the ſix members, to lay the ground for reſcinding all thoſe conceſſions which had reformed and limited his government; that he looked on them as attained by violence, and therefore invalid; and that he was arming himſelf with powers to put this logic in practice *. The parliament being well informed of the queen's tranſactions in Holland, of a treaty on foot with the King of Denmark, of applications which had been made by the Papiſts to the courts of Spain and France to furniſh troops to aſſiſt the regal and catholic cauſe, begun to exert with vigour the full force of parliamentary authority to preſerve the civil and religious liberties of the kingdom. The ſeveral commiſſions which had been granted under the great ſeal for lieutenancies of counties were called in and cancelled, and an ordinance of militia, in which the King's name and authority was left out, made its way through both

An ordinance to ſettle the militia by authority of parliament, paſſes both houſes, with reſolutions concerning putting the kingdom into a poſture of defence.

* On the occaſion of the King's paſſing the bill for taking away the biſhops votes in parliament, Clarendon obſerves, that an opinion that the violence and force uſed in procuring this bill rendered it abſolutely invalid and void, made the conformation of it leſs conſidered, as not being of ſtrength to make that good which was in itſelf null; adding, he doubted not ſuch logic had an influence upon other acts of no leſs moment. We may gather from the ſame hiſtorian, that the King looked on his conceſſions to the Scots as extravagant, and wreſted from his neceſſities; and that ſome of that nation had aſſured him, that when the troubles of the late ſtorm was perfectly calmed, they would repeal whatſoever was unreaſonably extorted.

† From the vote for cancelling theſe commiſſions, the earl of Southampton, the lords Mowbray, Howard, and Seymour, diſſented.

houſes

houſes with little oppoſition *. An order at the ſame time paſſed, that the lord high admiral ſhould take effectual care that all ſhips belonging to the royal navy ſhould be made fit for ſervice; and that the maſters of trading veſſels ſhould be deſired to prepare their ſhips in ſuch a readineſs, that on an emergent occaſion they might be put to ſea at a ſhort warning †. To juſtify the grounds of thoſe fears and jealouſies which occaſioned the parliament to exert powers unauthorized by the common forms of the conſtitution, a declaration in anſwer to the reply which had been made by the King to their laſt meſſage concerning the militia, was ſent to him whilſt on his journey to York ‡.

Ann. 1642. Journals of Commons, vol. II. p. 466.

Declarations and meſſages paſs between the King and parliament.

* In the upper houſe diſſented thoſe lords who had proteſted againſt the vote for putting the kingdom into a poſture of defence; with the lords Rich, Howard de Charlton, and Saville. The arguments urged for the legality of the ordinance, were drawn from precedents in the reign of Edward I. during the abſence of this king, who returned not to England till two years after the deceaſe of his father, Henry III. and from precedents during the minority of Henry VI. and Edward VI. In one of the debates concerning this ordinance, Whitlock, a lawyer of eminence, gave an opinion, That the power of the militia was neither in the King alone, nor in the parliament: That if it was any where, in the eye of the law, it was in the King and parliament conſenting together. *Parl. Hiſt.* vol. X. p. 280, *& ſeq.*

† Among other advertiſements of foreign preparations, the two houſes had received advice from Sir Philip Carteret, governor of Jerſey, that the French had lately encreaſed their forces, and were drawing down to the ſea-ſide 7000 men, raiſed in the provinces of Normandy and Picardy, beſides 5000 appointed to be raiſed. *Journals of the Commons*, vol. II. p. 498.

‡ In this it is aſſerted, that the deſign of altering the religion of the country had been carried on for many years, by thoſe in greateſt authority under the King, aſſiſted with the queen's agent at Rome, and the

Ann. 1642. THE juſtneſs, freedom, and manlineſs of the ſtrain of the parliament's expoſtulations gave a greater ſhock

pope's nuncio here: That the war with Scotland, invited and fomented by the Papiſts, was procured for this intent: That the rebellion in Ireland was framed in England: That, by the tumultuary and ſeditious carriage of the Papiſts in England, their ſuſpicious meetings and conſultations, with ſeveral advertiſements and teſtimonies from Ireland, it was to be concluded, that their intention was to riſe at the ſame time: That with the deſigns of theſe agreed the public declaration of the Iriſh rebels, that they would recover to his majeſty his royal prerogative, wreſted from him by the Puritan faction in the Engliſh parliament; and that they would maintain epiſcopal juriſdiction. To ſtrengthen this ſuſpicion, the declaration notices a deſign, ſtyled The Queen's Pious Intention; for ſucceſs of which the pope's nuncio enjoined faſting and prayer to be obſerved every week by the Engliſh Papiſts: The boldneſs of the Iriſh rebels, in affirming, they did nothing but by authority from the King: Their ſtyling themſelves The Queen's Army, and marking the booty taken from the Proteſtants with the queen's mark: The manifold attempts there had been to debauch the late army, the army of the Scots, and to raiſe a faction in the city of London, and other parts of the kingdom: That thoſe who had been actors in theſe buſineſſes had their dependance, countenance, and encouragement from the court. To evince this, the declaration notices, that Mr. Jermyn and others had been tranſported beyond ſea, by a warrant from the King's own hand, when he had given aſſurance to the parliament, that he had laid a ſtrict command on all his ſervants, that none of them ſhould depart from court: The petition delivered to captain Legge, by the King, and accompanied with a direction, ſigned C. R. was remembered: The accuſation of the ſix members, and intended violence on the houſe of Commons: The entertaining of diſbanded officers, ſoldiers, and others, and countenancing them in their violent acts: The endeavouring to gain the gentlemen of the Inns of courts: The endeavouring to infuſe an ill opinion of the parliament throughout the kingdom, and other ſymptoms of a diſpoſition to raiſe arms: The ſending away the lord Digby, by an expreſs warrant, after his attendance had been required in parliament: The purport of his letters to the queen, "That the King ſhould declare himſelf, and retire to a place of ſtrength in the kingdom:" His offering to entertain correſpondence

to the King's monarchical prejudices than he had yet Ann. 1642.
through the whole courſe of the controverſy ſuſtained.

dence with the queen by cyphers, intimating ſome ſecret ſervice he was to do. "This malicious counſel, ſays the declaration, we have great cauſe to doubt, made too deep an impreſſion in your majeſty, conſidering the courſe you are pleaſed to take, of abſenting yourſelf from your parliament, and carrying the prince with you." With the ſuſpicions ariſing from this conduct concurred advertiſements from France, Rome, Venice, and other parts, where it was expected that the King had ſome great deſign in hand, for the altering religion, and breaking the neck of the parliament; and that the kings of France and Spain had been ſolicited by the pope's nuncio, to lend four thouſand men a-piece, to help to maintain the King's royalty againſt his parliament. "Theſe, ſays the declaration, are ſome of the grounds of our fears and jealouſies, which made us implore your royal authority and protection for our defence and ſecurity; which being denied by your majeſty, ſeduced by evil counſel, we do with ſorrow, for the great and unavoidable miſery and danger which thereby is like to fall upon your own perſon and your kingdoms, apply ourſelves to the uſe of that power, for the ſecurity and defence of both, which, by the fundamental laws and conſtitutions of this kingdom, reſides in us, ſtill reſolving to keep ourſelves within the bounds of allegiance to your ſacred perſon and your crown. We have, according to your majeſty's deſire, laid our hands upon our hearts; we have ſearched our affections and our thoughts; conſidered our actions, and we find none that can give your majeſty any juſt occaſion to abſent yourſelf from Whitehall; but that you may with more honour and ſafety continue there than in any other place. We beſeech your majeſty to conſider in what ſtate you are, how eaſy and fair a way you have to happineſs, honour, greatneſs, plenty, and ſecurity, if you will join with the parliament and your faithful ſubjects, in defence of the religion and public good of the kingdom. This is all we expect from you; and for this we ſhall return to you our lives, fortunes, and uttermoſt endeavours to ſupport you in your juſt ſovereignty and power over us: But it is not words that can ſecure us in theſe our humble deſires; we cannot but too well and ſorrowfully remember what gracious meſſages we had from you this ſummer, when, with your privity, the bringing up of the army was in agitation; we cannot but with the like affections recal to our minds, how, not two days

Ann. 1642. "He was ſorry in the diſtractions of the kingdom, he ſaid, that the parliament ſhould think this way of addreſs to be more convenient than that propoſed by his meſſage of the twentieth of January laſt. For his fears and doubts, he did not think they would have been thought ſo groundleſs or trivial, while ſo many ſeditious pamphlets were looked on, and ſo great tumults remained unpuniſhed and uninquired into. He aſked the meſſengers, what they would have? Had he violated their laws? Had he denied to paſs any one bill for the care and ſecurity of his ſubjects? Had any of his people been tranſported with fears and apprehenſions, he had offered as free and general a pardon as themſelves could deviſe *. God ſo deal with him and his,

days before you gave directions for the above-mentioned accuſation, and your own coming to the Commons' houſe, that houſe received from your majeſty a gracious meſſage, That you would always have the ſame care of their privileges as of your own prerogative, of the ſafety of their perſons as of your own children. That which we expect, and which will give us aſſurance that you have no thoughts but of peace and juſtice to your people, muſt be ſome real effect of your goodneſs to them, in granting thoſe things which the preſent neceſſity of the kingdom doth enforce us to deſire; and, in the firſt place, that your majeſty will be graciouſly pleaſed to put from you thoſe wicked and miſchievous counſellors, who have cauſed all theſe dangers and diſtractions; and to continue your own reſidence and the prince's near London and the parliament. This, we hope, will be a happy beginning of contentment and confidence between your majeſty and people, and be followed by many ſucceeding bleſſings of honour and greatneſs to your majeſty, and of ſecurity and proſperity to them." To this declaration was affixed ſome additional reaſons, urging the inconveniencies and dangers that muſt ariſe from the King's abſenting himſelf from parliament. *Parl. Hiſt.* vol. X. p. 337, *& ſeq.*

* This offer was not at all agreeable to the views of the popular leaders; it would have ſcreened all the great delinquents who had been impeached

as all his thoughts and intentions were upright for the maintenance of the true Proteſtant religion, and for the obſervation and preſervation of the laws of the land †." Ann. 1642.
On the King's aſking what he had denied the parliament, the earl of Holland inſtanced the militia. The King replied, he had not denied it, and they were much miſtaken if they thought his anſwer to it was a denial: But on being preſſed by the earl of Pembroke to declare whether he would grant it for a time, as the parliament deſired it, he ſwore by God not for an hour. "The buſineſs of Ireland, he told them, would never be done in the way they were in; four hundred would never do it, it muſt be put into the hands of one: if he were truſted with it, he would pawn his head to end that work; and though he was a beggar, yet by God he ‡ could find money for that."

On the return of their meſſengers, the parliament proceeded to paſs ſeveral votes for the putting the king- Journals of Commons, vol. II. p. 479.

impeached in parliament from farther cenſure and puniſhment; and it would have implied a principle in the conſtitution very convenient to the King's ſchemes, and very dangerous to public Liberty, viz. That the leaders of the oppoſition to the late tyrannical adminiſtration had, by their exertions in defence of Freedom, acted unconſtitutionally, and had incurred a legal offence.

† By the true Proteſtant religion Charles always meant thoſe particular forms and ſuperſtitious ceremonies, which the parliament had exploded; and by the laws of the land, that fond idea of regal power he had entertained, and endeavoured to put in practice.

‡ Theſe ſtrong aſſeverations were reckoned, in theſe ſober, virtuous times, a very indecent manner of expreſſion, and were only uſed by the courtiers, and others of looſe morals.

dom

Ann. 1642. dom into a poſture of defence; one of theſe was to the following purport: That in caſe of extreme danger, and of his majeſty's refuſal, the ordinance agreed on by both houſes for the militia did oblige the people, and ought to be obeyed by the fundamental laws of the kingdom *. The very day after paſſing theſe reſolutions a meſſage was received from the King, ſignifying that he was then on his remove to the city of York. In this meſſage he artfully urged the expediting the buſineſs of Ireland, becauſe it was a popular topic, and he knew that the parliament was ſo entangled in their preparations in defence of the liberties of England, that they could not at this time attend to the unhappy circumſtances of that kingdom, without endangering the freedom of the whole empire. He told them, that as he had been ſo tender of the privileges of parliament, as to have been ready and forward to retract any act of his own, which he had been informed had trenched upon them, ſo he expected an equal tenderneſs in them of his known and unqueſtionable privileges, which were the privileges of the kingdom: amongſt which he was aſſured it was a fundamental one, that his ſubjects could not be obliged to obey any act, order, or injunctions, to which he had not given his conſent. In the concluſion he recommended to them the ſubſtance of his meſſage of the twentieth of January; that they would compoſe and digeſt with all ſpeed ſuch acts as they ſhould think fit for the preſent and future eſtabliſhment of their privileges, the free and

* In the houſe of Lords the ſix following peers diſſented: Earls of Bath, Southampton, Cleveland, Newport; lords Dunſmore and Capel.

quiet

quiet enjoying of their eſtates and fortunes, the liber- Ann. 1642.
ties of their perſons, the ſecurity of the true religion now profeſſed in the church of England, the maintaining his regal and juſt authority, and ſettling his revenue *.

Both houſes were highly exaſperated at the receipt of this meſſage; the very day before they had voted that their ordinance of the militia ought to be obeyed; ſo that they concluded that the King's meſſage being pointed at, theſe votes could not have been ſent from Huntington, where the King then was, but muſt have been inſerted in blanks left in the town. The fire of reſentment was firſt kindled in the upper houſe. The Lords voted, "That when the parliament, which is the ſupreme court of the kingdom, ſhall declare what the law of the land is, to have that not only queſtioned and controverted but contradicted, and a command that it ſhould not be obeyed, is a breach of the privileges of parliament." † This, and other their reſolutions con- Clarendon's Hiſt. vol. I. p. 354.

* This invitation was plauſible to the public, and did not engage Charles to ſtand to any conceſſions he did not approve. He could always diſpute with the parliament on the queſtion, what was true religion? and thoſe conditions they might think neceſſary for the ſecuring public Liberty, and the privileges of parliament, he would object were derogatory to his regal and juſt authority.

† For the parliament, or any power of the kingdom, to be poſſeſſed of ſuch an abſolute authority in the declaring law, that ſuch declaration is not to be queſtioned nor controverted, muſt be productive of much tyranny. The law ought to be ſo clearly expreſſed, that it ſhould be obvious to public and private underſtanding. This vote was paſſed to fit a particular caſe, and levelled only at kingly authority, not meant to affect private individuals; and thus explained by the parliament in

Ann. 1642. cerning the neceſſity of enforcing the ordinance of the militia, was confirmed by the Commons. At the expreſs deſire of the Lords, a committee was appointed to find out by whom the King's meſſage was framed; and ſome farther reſolutions paſſed in condemnation of thoſe evil counſellors who adviſed the king to courſes ſo deſtructive to the peace of the kingdom.

To that declaration of the parliament, which contained the reaſons of their fears and jealouſies, an anſwer at large was returned by the King *.

one of their declarations: "That is turned into a general aſſertion, ſay they, which in our votes is applied to a particular caſe." *Parl. Hiſt.* vol. XI. p. 28.

* To the particulars urged againſt him, he replied in generals, or endeavoured to weaken their force by futile prevarications. To the article of altering religion, he wiſhed that the judgments of God might be manifeſted on thoſe who had any ſuch deſign. To the Scotch troubles, the act of oblivion had ſtopped his mouth from any reply. To the rebellion in Ireland being framed in England, he deſired the parliament to find out the authors and maintainers of it; and, for the clearing his own innocence, he laid a great ſtreſs on the expreſſions of zeal he had ſhewed for reducing the rebels; adding, that he was ready to venture his royal perſon for the redemption of his Proteſtant ſubjects, well knowing that as his intereſt was more concerned in them, ſo he was to make a ſtrict account to Almighty God for any neglect of his duty for their preſervation. To the plot againſt the parliament, he denied that he was privy to any reſolution in the army to force it; becauſe, as it has been before obſerved, though he knew all the circumſtances of the plot, yet the army could not be brought to agree to what had been propoſed of this kind by the queen and her cabal. For the proceedings againſt the ſix members, he hoped that his proteſtation on that head would ſo far have ſatisfied the parliament of his intention, that they would have entertained no other imagination of that deſign than was therein expreſſed. For Mr. Jermyn, he was gone from White-hall before he received the deſires of both houſes, for the reſtraint of

Ann. 1642. MANY were the declarations and meſſages paſſed between the King and parliament, during the progreſs of his journey to York. The king endeavoured to perſuade the public, that he had granted every thing he ought to grant, to give the parliament ſatisfaction. The parliament, by juſt comments on his conduct, convinced the diſcerning part of the nation, that, at the very time that they had in a manner forced his aſſent to their neceſſary demands, he had been and was now contriving the means to invalidate thoſe conceſſions. Parl. Hiſt. vol. X. p. 374, & ſeq.

of his ſervants. For the lord Digby, he aſſured them, that he had his warrant to paſs the ſeas, and had left the court before he had heard the vote of the houſe of Commons, or had any cauſe to imagine his abſence would have been excepted againſt. For their foreign advertiſements, he was confident no ſober or honeſt man in the kingdom could believe that he would be ſo ſenſeleſs as to entertain counſels that would not only bury his kingdom in ſudden deſtruction, but his own name and poſterity in perpetual ſcorn and infamy. The King finiſhed his declaration with magnifying his grace and juſtice, in paſſing thoſe acts to which the parliament had extorted an unwilling aſſent; and told them, "That if, for his ſecurity, the laws of the land and good government in the city of London is revived, he would overtake their deſires, and be as ſoon with them as they could wiſh."

The King's perſon never was in any danger from the London tumult, but it was convenient to his purpoſe to make uſe of ſuch a pretence to excuſe his retiring from his parliament. In another meſſage he told them, "That they muſt not expect his preſence until they had both ſecured him concerning his apprehenſions of tumultuous inſolences, and given him ſatisfaction."

Mr. Jermyn was tranſported out of the kingdom, by the King's warrant, after he had promiſed the parliament that none of his ſervants ſhould depart from court. On the prevaricating circumſtance of the warrant's being anti-dated, he denied this fact, and exclaimed, whilſt the article was recited to him by the meſſengers of the parliament, "That's a lie! that's falſe!"

Ann. 1642. To the accuſation he had flung out in his ſpeech, of their encouraging tumults, they obſerved, That if any extraordinary concourſe of people, out of the city of Weſtminſter, had, in his apprehenſion, the face and ſhew of tumult and danger, it would appear to be cauſed by his denial of ſuch a guard to the parliament as they could confide in; and by taking into Whitehall ſuch a guard to himſelf as gave juſt cauſe and jealouſy to the parliament, and of terror and offence to the people. To that queſtion, whether he had violated their laws? they deſired him to remember, that the government of the kingdom, before the meeting of this parliament, conſiſted of many continued and multiplied acts of violation of laws, the wounds whereof were ſcarcely healed, when the extremity of all thoſe violations was far exceeded by the proceedings againſt the ſix members. To his queſtion, whether he had denied any bill for the eaſe and ſecurity of his ſubjects? they acknowledged that many good bills had paſſed; but obſerved, that at the time of paſſing them, ſome deſign or other had been on foot, which, had it taken effect, would not only have deprived them of the fruit of thoſe bills, but have reduced the kingdom to a worſe condition than the parliament found it in. To the queſtion, whatthey had done for the King? they anſwered, That the defraying the charges of thoſe miſchiefs which bad adminiſtration had occaſioned, would coſt the kingdom more than two millions; an expence which ought to have been born by the crown. As for his majeſty's offered pardon, that could be no ſecurity for their fears and jealouſies, which did not ariſe from any guilt of their own actions, but from the evil deſigns and attempts of others. To this

this poignant anſwer was added informations they had Ann. 1642.
received from the deputy-governor of the merchant-adventurers at Rotterdam, concerning the lord Digby's negociations of an army that was to be tranſported from Denmark to Hull; concluding with intreating the King to calm the fears of his people, by a return to his parliament *.

The parliament take meaſures to ſecure Hull, and to prevent the importation of foreign troops.

Journals of Commons, vol. II. p. 487, & ſeq. Parl. Hiſt. vol. X. p. 372, 378.

THE ſecurity of Hull, and to prevent the importation of foreign troops, was now become the particular object of this aſſembly. An expreſs was ſent to Sir John Hotham, to ſuffer no foreign ſhips to come into the harbour, without ſtrict examination; nor to receive any Engliſh, or other troops, into the town, but ſuch as both houſes ſhould direct; that the mayor of Hull, and all other his majeſty's officers and ſubjects, were to aſſiſt him in this order, as they ſhould anſwer the contrary at their peril. The lord-admiral was deſired to enquire the reaſon why one of the King's ſhips was left behind in Holland; how it was to be employed; and when it was to return: likewiſe to command the ſhips at ſea to examine all veſſels that paſſed between Holland and Hull, and to ſend ſome ſmall frigates northward of Hull, to give intelligence of any arma-

* The inhabitants of Rutland preferred a petition to the ſame purport, as the King paſſed through that county in his way to York. The King, in anſwer to this meſſage of the parliament, aſſures them, "That no ſtreights or neceſſities ſhould ever compel him to do that which the reaſon and underſtanding God had given him, and the honour and intereſt with which God had intruſted him, for the good of his poſterity and kingdom, ſhould render unpleaſant and grievous to him. *Journals of the Commons*, vol. II. p. 503.

ment

Ann. 1642. ment likely to come from Denmark thither; and to enquire of all ſhips that came out of the Sound, what preparations of land and ſea-forces there were about Elſenore. The lord-lieutenants and high-ſheriffs of the northern counties were ordered to ſuppreſs all forces which ſhould be raiſed without the direction of parliament, and to take an eſpecial care of Newcaſtle, Hull, and other towns on thoſe coaſts.

Precautions of the parliament.

THE King, not finding the diſpoſitions of the people ſo favourable to his intereſt as he had flattered himſelf the remoter counties from the capital were *, endeavoured to put in practice that part of the queen's counſel which related to his retiring into Ireland. He ſignified to the parliament, that he was reſolved to go in perſon to ſuppreſs the rebellion. He intended, he ſaid, to raiſe, by his commiſſion in the counties near Weſt-Cheſter, a guard conſiſting of two thouſand foot and two hundred horſe, to be armed from his magazine at Hull; that the officers and common ſoldiers ſhould all take the oath of ſupremacy and allegiance; and deſired the parliament would undertake the charge of paying them: but if that ſhould be found too great a burden to his good ſubjects, he would be willing to ſell or pawn any of his parks, lands, or houſes, towards a ſupply. To facilitate the execution of this project, he offered to paſs a bill which ſettled the militia

The King offers to go in perſon to Ireland. Parl. Hiſt. vol. X. p. 427, & ſeq.

* The King, on his firſt coming into the county of York, was petitioned by the inhabitants to declare fit means and expedients to take away miſunderſtandings between him and his parliament. *Ruſhworth*, vol. IV. p. 613.

in

in the hands of the parliament for one year, and called God to witneſs, that he would not decline any hazard of his perſon in performing that duty which he owed to the defence of God's true religion and his diſtreſſed ſubjects; nor would he ever conſent, upon whatſoever pretence, to a toleration of the popiſh religion, nor to the abolition of the laws in force in that kingdom againſt popiſh recuſants *. Ann. 1642.

THE party he had to deal with were too well apprized of his deſigns, and the tickliſh ſituation of affairs, to be caught with the bait. Both houſes reſolved upon the queſtion, *nemine contradicente*, That it would be moſt dangerous and unſafe to conſent to his majeſty's going into Ireland †. Rouſed and alarmed with fears, that the King would by this means put himſelf at the head of two large armies, the one under Ormond, and the other under the rebel commanders, they drew up a petition, in which they teſtified ſome reſentment at the King's reſolving on a matter of that importance,

The parliament declare againſt the King's going to Ireland.

* The King declared, "That he was grieved at the ſoul for the calamities of his good ſubjects of Ireland: That, out of his pious zeal for the honour of Almighty God, in eſtabliſhing the true Proteſtant profeſſion in that kingdom, and his princely care for the good of all his dominions, he had firmly reſolved to go with all convenient ſpeed into Ireland, to chaſtiſe thoſe wicked and deteſtable rebels, odious to God and all good men." The King had more than once before made the ſame offer of going into Ireland; but the parliament waved the returning any anſwer. *Rapin*, vol. XI. p. 437.

† For reaſons obvious, the King's moderate friends, as well as opponents, were very much againſt his going into Ireland. Clarendon ſays, it was a counſel communicated to very few, without conſideration of the objections that would naturally ariſe againſt it.

with-

Ann. 1642. without the advice of his parliament; alleging the following reaſons againſt the intended expedition: Danger to the king's perſon; inconvenience of his abſence; the inſecurity of the adventurers, who, foreſeeing an improvident peace, would pay in no more money upon their ſubſcriptions; that it would encourage the rebels, who profeſſed the King did allow of their proceedings; that it would encreaſe the fears and jealouſies of this nation, who would ſuſpect ſome force was intended. The petition concluded with the following peremptory declaration: "That they could not conſent to any levies or raiſing of ſoldiers for Ireland, or to the payment of them, but ſuch as ſhould be employed and governed by their directions: That if ſuch levies ſhould be made, not agreed to by them, they ſhould interpret the ſame to be raiſed for the diſturbance of the public peace; and ſhould apply the authority of parliament to ſuppreſs the ſame: That if his majeſty ſhould be perſuaded to go to Ireland, contrary to their advice, they would not ſubmit to any commiſſioners he ſhould chuſe; but did reſolve to preſerve and govern the kingdom by the advice of the two houſes *; and therefore they humbly intreated him to deſiſt, to return to his parliament, and leave the management of the Iriſh war entirely to them." With this petition paſſed a reſolution, declaring

* In the King's anſwer to this petition, he aſſerted, "That a commiſſion to govern the kingdom had always been uſed by his progenitors, during abſence, whilſt a parliament was ſitting; and it was what themſelves had deſired, at his laſt going into Scotland." It may be worth obſerving, that the King now urged that to be conſtitutional, which he had diſputed as illegal, when demanded on an occaſion not ſo agreeable to his views.

ing any man an enemy to the ſtate, that ſhould endea- Ann. 1642.
vour to raiſe forces for Ireland, or continue any forces ſo raiſed, without the conſent of both houſes *.

To theſe peremptory determinations the King was obliged to ſubmit, fearing a fate ſimilar to that of Richard the Second, who, on his return from Ireland, found himſelf totally diſpoſſeſſed of his ſovereignty in England. Foiled in this buſineſs †, he turned his thoughts towards getting poſſeſſion of the important fortreſs of Hull ‡. The parliament, jealous of his near neighbourhood to this place, had given Sir John Hotham orders to introduce into the town eight hundred of the Yorkſhire militia; and though this reinforcement, with the ordinary garriſon and natural ſtrength of the place, was ſufficient to repel any force the king could bring againſt it, yet fearing treachery, they had petitioned

* The Scots privy-council, on the King's ſignifying to them his inclination to go in perſon to Ireland, ſhewed, by the objections they raiſed, a great diſlike to the propoſal.

† A buſineſs which, as Clarendon, who was at this time one of his great counſellors, ſays, had he carried into execution, he would ſpeedily have reduced Ireland, and brought his other two kingdoms into proper bounds; that is, he would have brought all thoſe Iriſh Proteſtants, who did not admit of an abſolute power in the crown, under ſubjection; and, with the aſſiſtance of the rebels and the malignant party, who declared themſelves partizans to prerogative, would have ſubdued the ſpirit of Liberty in England and Scotland. *Claren. Hiſt.* vol. I. p. 393.

‡ If the parliament had been credulous enough to have given way to the King's propoſition concerning Ireland, he might have employed the new-raiſed levies in the reduction of Hull; and then, having ſecured that important fortreſs, might have paſſed over, and put himſelf at the head of the Iriſh army. *Rapin*, vol. XI. p. 440.

Ann. 1642. the King to permit the removal of the magazine to the Tower of London, its ſtores being much exhauſted with arming both the Engliſh and Scotch forces that ſerved in Ireland. This having been denied, it was reſolved by the Lords, and then by the Commons, That it was neceſſary the magazine of Hull ſhould be removed to the Tower of London; and orders were ſent to prepare ſhips for its tranſportation *.

The King endeavours to ſecure Hull, but is foiled in the attempt.

CHARLES, on ſome hopes of cajoling Sir John Hotham into a breach of truſt, ſent his ſon the duke of York, the elector palatine, and ſeveral other of the no-

* Sir Richard Hutton, not the judge of that name, but the ſon of archbiſhop Hutton, had petitioned the King to take meaſures for the continuance of the magazine at Hull, "Becauſe, ſays the petition, that part ſhould be beſt provided where your ſacred perſon doth reſide; your perſon being, like David's, the light of Iſrael, and more worth than ten thouſand of us." On a motion of the Commons, the Lords paſſed an order, That theſe petitioners ſhould be ſent for as delinquents, for being active againſt the parliament. Obedience to the order was refuſed, on pretence of the King's warrant, wherein the petitioners were charged on their allegiance, and on pain of the King's heavy diſpleaſure, at their peril to ſtir out of the county, but there to abide, to attend his ſervice as he ſhould direct. A petition of a different kind was preſented to the King from others of the Yorkſhire gentry, well-affected to the parliament: it repreſented the other petition for continuing the magazine at Hull as the work of a few gentlemen only, and deſired his majeſty to apply himſelf to all good ways of union, that thoſe duties which, by the laws of God and man, they owed, and which were expreſſed in their laſt proteſtation, might not become a divided propoſition; ſince the defence of his majeſty's perſon, honour, and eſtates, the power and privileges of parliament, and the lawful rights and liberties of the ſubject, did all ſtrengthen each other; all which they would equally labour to preſerve, to the utmoſt of their powers, lives, and eſtates. *Parl. Hiſt.* vol. X. p. 454, *& ſeq.* 485. & vol. XI. p. 116.

bility

bility who had followed his fortune, into the town, where Ann. 1642.
they were received with great civility and politeneſs by the governor. The next day, being the twenty-ſecond of April, he advanced with three hundred horſe, and diſpatched a meſſenger to Sir John Hotham with a letter, ſignifying, that he intended to viſit his town of Hull and magazine; that Sir John Hotham muſt provide for the reception of him and his train; he doubted not of his obedience, elſe he muſt make his way into the town, according to the laws of the land. Sir John Hotham, in great confuſion, called the chief magiſtrates of the town and officers of the garriſon to council. It was reſolved not to admit the King. A reſpectful meſſage was ſent, intreating him to forbear his intended viſit. On his nearer approach the bridge was drawn up, and the garriſon put into a poſture of defence. Charles with a loud voice demanded entrance. This, Sir John Hotham on his knees, and with much civility of language, pleading * his truſt from parliament, abſolutely refuſed. In vain did the King repeat his demand, offering to reduce his train to twenty perſons. He then deſired the governor to come out to him, on his word of ſafety and liberty to return. This the governor not chuſing to truſt, excuſed himſelf from obedience; nor would yield to other conceſſion, but

* During this parley ſome of the King's train, the ſame that attended him in his expedition to force the parliament, in an inſolent and impetuous manner called out to the towns-men to kill Sir John Hotham, and fling him over the walls. On their return to York, Sir Francis Worthly, and others, drew out their ſwords, and demanded who would be for the King? *Parl. Hiſt.* vol. X. p. 474, *& ſeq. Vicar's Parl. Chron.* p. 89.

Ann. 1642. that the King's ſon, and the reſt of his friends, ſhould be ſent out of the town *. Charles, enraged at his diſappointment, proclaimed Hotham a traitor, by two heralds at arms †; and, after having ſtaid five hours before Hull, returned to Beverley ‡.

The King declares Sir John Hotham a traitor.

* It is ſaid, from the authority of memoirs left to the Scotch college at Paris by the duke of York, that Hotham was well diſpoſed to have delivered up Hull to the King, but was deterred by a private letter he received from one of the King's gentlemen of the bed-chamber, aſſuring him that, if the King got admiſſion, he would hang him up, as a monument of vengeance againſt all parliament-commanders. Sir John Hotham did aver, that he received ſuch an intimation; and the King mentions it as a deceit of his enemies to prevent Sir John Hotham from giving him admittance. The parliament would not allow that ſuch an intimation ought to have been the ground of Hotham's conduct. After the King had retired from the town, he ſent a letter to the mayor of Hull, requiring him, the towns-men, and ſoldiers, not to obey their governor, nor to ſuffer the magazine to be removed. *Ruſhworth*, vol. IV. p. 584. *Parl. Hiſt.* vol. X. p. 474, *& ſeq.*

† "If the ſolemn proclaiming a man a traitor, ſaid the parliament, ſignifies any thing, it puts him, and all thoſe who any way aid and aſſiſt, or adhere unto him, into the ſame condition of traitors, and draws upon him all the conſequences of treaſon; and if this may be done by law, without due proceſs of law, the ſubject hath a very poor defence of the law, and a very ſmall, if any proportion of Liberty thereby; and it is as little ſatisfaction to a man that is expoſed to ſuch penalties to ſay, he ſhall have a legal trial afterwards, as it is to condemn a man firſt, and try him afterwards." *Parl. Hiſt.* vol. XI. p. 110.

‡ The King, on being refuſed admiſſion into Hull, commanded the ſheriff to raiſe the trained-bands, to force the town. Sir Richard Hutton, the judge, who executed the office of ſheriff, refuſed to obey the mandate, being, as he conceived, againſt law. On this, the King ſummoned the juſtices of the peace and gentlemen of the county, to attend him at York; aſked their advice concerning his not being admitted into his town of Hull; and demanded of them, "Whether they would defend his perſon from violence, according to their duty, or not?"

THE conduct of the governor of Hull was a very important incident towards the ſucceſs of the popular cauſe. It not only prevented the King from becoming maſter of the largeſt magazine of arms, and the moſt important fortreſs in the kingdom, which would have enabled him to enter on the war at leaſt on equal terms with the parliament; but Sir John Hotham being a man of fortune, who had an important ſtake in the country, his example had a great influence on the behaviour of others. Charles in very high terms demanded juſtice of the parliament againſt Sir John Hotham *. The parliament in as high language juſtified their governor, and reſolved, That he had done nothing, but in obedience to their commands: that the declaring him a traitor, being a member of the houſe of Commons, was a high breach of privilege: that the declaring him a traitor, without due proceſs of law, was againſt the liberty of the ſubject and the law of the land: and voted, That a committee of both houſes

Ann. 1642.

Parl. Hiſt. vol X. p. 457.

The parliament juſtify Sir John Hotham, and declare the King's proceedings to be contrary to law.

not?" To this they returned, "That they ſhould be ready to defend his majeſty's perſon from violence, by all ſuch ways as the laws and their duty bound them; and, for the means to vindicate his honour, and put him into poſſeſſion of his own, they conceived the beſt advice they could offer would be humbly to deſire his majeſty to hearken to the counſels of the parliament, who they aſſured themſelves would be careful of his perſon and honour." *Parl. Hiſt.* vol. X. p. 475, 483, *& ſeq.*

* The King, whilſt he ſent diſpatches, poſt after poſt, to the parliament, to demand juſtice for what he termed treaſon in Sir John Hotham, ſtopped all paſſage between Hull and London; ſo that it was ſome time before the houſes received a particular account of the tranſaction from Sir John Hotham, whoſe meſſengers were detained, and their diſpatches taken from them. *Journals of the Commons*, vol. II. p. 555.

ſhould

Ann. 1642. The parliament take measures to secure the northern parts of the kingdom.

ſhould be ſent into the north, to take care of thoſe parts, and of Hull *, by the aſſiſtance of the lord-lieutenant; to ſuppreſs all forces that ſhould be raiſed either to force the town, or to ſtop any of the paſſages to or from it, or any other way to diſturb the peace of the kingdom; and to return the thanks of the parliament to Sir John Hotham, and to all thoſe who had been forward in their ſervice to preſerve the town.

Papers paſs between the King and parliament on the ſubject of Hull.

INNUMERABLE were the papers that paſſed between the King and the parliament on this new ſubject of diſpute. The King argued, that he was in a worſe condition than any of his ſubjects; that, whilſt they all enjoyed their privileges, and might not have their poſſeſſions diſturbed, nor their titles queſtioned, he only might be ſpoiled, thrown out of his towns, and have his goods taken from him: that Hull was his own property; that the magazine lodged in it was his own goods, bought with his own money; that he had the ſame title to them that any of his ſubjects had to their houſes, lands, plate, or jewels; that if the parliament, whoſe votes, he ſaid, were of no authority without his conſent, could alter deſcents, avoid purchaſes, and cancel conveyances, which is what they had done in regard to his right in Hull, what was his caſe to-day might be his ſubjects to-morrow. He aſked, why the general

Ruſhworth, vol. IV. p. 569, & ſeq.

* The earl of Stamford, the lord Willoughby of Parham, Sir Edward Ayſcough, Sir Chriſtopher Wray, Sir Samuel Oſield, and Mr. Hatcher, were the committee ſent down on this errand, to reſide at Hull; to theſe afterwards were added Sir John Wray, Sir William Strickland, Mr. Allured, Mr. Hotham, Mr. Pelham, and Mr. Wharton. *Parl. Hiſt.* vol. X. p. 470. *Journals of the Commons*, vol. II. p. 596.

rumour

rumour of the deſign of the Papiſts in the northern parts, ſhould not be thought ſufficient ground for him to put a perſon of ſuch honour, fortune, and unblemiſhed reputation, into a fort of his own, as was the earl of Newcaſtle; and yet the ſame rumour be warrant enough to commit the care of it to Sir John Hotham, without his conſent? And how his refuſal to have the magazine moved, on the petition of both houſes, could give an advantage againſt him, to deprive him of it? He farther argued, that the ſhutting the gates of Hull againſt him, and reſiſting his entrance, was treaſon, on the letter of the ſtatute of the twenty-fifth of Edward the Third. "He had often heard, he ſaid, of the great truſt which, by the laws of God and man, was committed to the King for the defence and ſafety of the kingdom; but he had never yet underſtood what truſt or power was committed to either or both houſes of parliament *."

Ann. 1642.

* The parliament argued on a very juſt diſtinction between the perſonal and the legal property of the King, who laid down that for a principle, they ſaid, which would deſtroy the foundation of the liberty, property, and intereſt of every ſubject in particular, and of all the ſubjects in general. His majeſty's towns were no more his own than his kingdom was his own, and his kingdom was no more his own than his people was his own. If the King had a property in his towns, what would become of the ſubjects' property in their houſes therein? If he had a property in his kingdom, what would become of the ſubjects' property in their lands, or of their intereſts in the towns and forts of the kingdom, or in the kingdom itſelf, if his majeſty might diſpoſe of them at pleaſure, or of their liberties; if he had the ſame right in their perſons that every ſubject had in their lands and goods? The erroneous maxim being infuſed into princes, that their kingdoms were their own, and that they might do with them what they would, as if their kingdoms were for them, and not they for their kingdoms, was the root of the miſery of ſubjects, and the invading their juſt rights and

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Ann. 1642. THE arguments urged by the parliament, in defence of their conduct, excited a reſentment which flung off

properties. They were only truſted with their kingdoms, their towns, their people, with the public treaſure of the Common-wealth, and whatſoever was bought therewith, for the good and ſafety, and beſt advantage thereof: by the known law of the land, the very jewels of the crown were not the King's proper goods. As the King was entruſted with all theſe, for the uſe and ornament of the kingdom, that truſt ought to be managed by the advice of the houſes of parliament, whom the people had truſted to ſee it diſcharged according to the condition and true intent thereof. At this time there were many plots and deſigns of force againſt the parliament and the kingdom; there were invaſions from abroad, intended to begin at Hull; and therefore, in regard to the great diſtance, and alienation of his majeſty's affections from his parliament, they had commanded Sir John Hotham to ſecure the town and magazine of Hull, for the ſervice of his majeſty and his people; and had juſtified him for executing their orders. Admitting that the King had indeed a property in the town and magazine of Hull, who doubted but that a parliament might diſpoſe of any thing wherein his majeſty, or any ſubject, had a right, in ſuch a manner as the kingdom might not be expoſed to hazard? They would not allow a few private perſons about the King, or even the King himſelf, in his own perſon, to be judge of the law; and that contrary to the higheſt court of judicature. For what his majeſty mentioned concerning the earl of Newcaſtle, they conceived it was a queſtion harder to be anſwered, Why, when it was thought neceſſary that a governor ſhould be placed in that town, Sir John Hotham, a gentleman of known fortune and integrity, of whom both houſes had expreſſed their confidence, ſhould be rejected, and the earl of Newcaſtle, who was named in the buſineſs of bringing up the army, ſhould be ſent down in a private way, to take upon him the government, under the guiſe of another name? For the accuſation of treaſon againſt Sir John Hotham, on the ſtatute of 25 Ed. III. that ſtatute had declared and inſtituted two diſtinct ſpecies of treaſon; the firſt to compaſs or imagine the death of the King, which ſecured his perſon in his natural capacity as a man; the ſecond reſpected the King's political capacity, the levying war againſt his laws and authority. The levying war againſt theſe, though not againſt the King's perſon, was levying war againſt the King; but the levying force againſt his

that reſtraint of modeſt language, in which the King's Ann. 1642.
circumſtances had for ſome time obliged him to cloath

his perſonal commands, though accompanied with his preſence, and not againſt his laws and authority, but in the maintenance thereof, was not levying war againſt the King, as the ſtatute itſelf expreſſed; beſides the authority of book-caſes, and precedents of divers traitors condemned upon that interpretation thereof: for if the clauſe of levying war had been meant only of the King's perſon, what need had there been thereof, after the other branch of treaſon in the ſame ſtatute, compaſſing the King's death? Concerning the King's declaring Sir John Hotham a traitor, they aſſerted, That though the privilege of parliament did not extend to treaſon, felony, or breach of the peace, ſo as to exempt members of parliament from puniſhment, nor from all manner of proceſs and trial; yet it did privilege them in the way and method of their trial and puniſhment; that the parliament ſhould have the cauſe firſt brought before them, that they might judge of the fact, and of the grounds of the accuſation, and how far their trial might concern the privilege of parliament; otherwiſe it would be not only in the power of the King, but of any man, under pretence of treaſon, felony, or breach of the peace, to take any member from his ſervice in parliament; and ſo as many, one after another, as he pleaſed; which would be a breach of ſo eſſential a privilege of parliament, as that its very being depended on it. If they had made any precedents, they ſaid, they had made them for poſterity, upon the ſame or better grounds of reaſon and law, than thoſe on which their predeceſſors had made any forms; and, as ſome precedents ought not to be rules for them to follow, ſo none could be limits to bound their proceedings, which muſt vary according to the different conditions of times. As to the meſſage of the twentieth of January, they alledged that, as often as it had been repeated, their privileges had been infringed by proſcribing a way and method of proceeding to them; but in reſpect of the matter contained in it, they had excuſed points of ceremony, and ſhould ere this time have preſented the chief of their deſires to the King, had they not been interrupted with continual denials of thoſe things that were neceſſary for their preſent ſecurity and ſubſiſtence; and had not thoſe denials been followed with ſuch perpetual invectives againſt them, that they had little encouragemenr to hope for any favourable anſwer to their deſires. Evil counſel, they ſaid, had not only ſeparated the King

Ann. 1642. his pretenſions. "We are truſted by God and the law, ſays he, and have taken an oath to diſcharge that truſt for the good and ſafety of our people: may any thing be taken from a man becauſe he is truſted with it? Nay, may the perſon himſelf take away that right when he will and how he will *? The law hath been otherwiſe; and we believe will be ſo held, notwithſtanding their declaration. But this truſt ought to be managed by their advice. Impoſſible! that the ſame truſt ſhould be irrevocably committed to us and our heirs for ever; and the ſame truſt, and a power above that truſt, be committed to others. Did not the people that ſent them look upon them as a body temporary and diſſolvible at our pleaſure? and can it be believed that they intended them for our guardians and comptrollers in the

from his parliament in diſtance of place, but in diſcharge of the joint truſt with them, for the peace and ſafety of the kingdom: they intreated him to return to his parliament, which would put him into poſſeſſion of his town of Hull, and other claims of ſovereignty.

Clarendon, either himſelf deceived by prejudice and paſſion, or intending to deceive others, ſpeaking of the immediate time of paſſing this declaration, ſays, "That in debates of the higheſt conſequence there was not uſually preſent in the houſe of Commons the fifth of their juſt number;" whereas it appears, by a diviſion on a clauſe of the above declaration, that there were 164 members preſent at the paſſing it. Thus does this ſolemn author eſtabliſh falſhood for fact; and then, by a long ſtring of arguments, deduced from falſe poſitions, draw thoſe concluſions which beſt ſuit his purpoſes.

The ſtatutes of 11 Rich. II. and 1 Hen. IV. enacted thirty-four years after the ſtatute of 25 Ed. III. authoriſe the opinion aſſerted in the parliament's declaration concerning the diſtinction between the political and the natural capacity of the King, in regard to treaſon. *Huſbands's Collections*, 4to Ed. p. 263, *& ſeq.*

* This is a point of the doctrine of indefeaſible right.

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management of that truſt which God and the law hath granted to us and our poſterity for ever *? What the extent of their commiſſion and truſt is, nothing can better teach them than the writ whereby we called them: and without that call they could not have come together †, "to be our counſellors, not commanders." For however they frequently confound them, the offices are ſeveral; and counſellors not in all things but in ſome things. They may eaſily find among their precedents that queen Elizabeth, upon whoſe good time all good men look with reverence, committed one Wentworth, a member of the houſe of Commons, ſitting in the houſe, but for propoſing that they might adviſe the queen in a matter ſhe thought they had nothing to do to med- Ann. 1642.

* The King here, and in the words *irrevocably committed to us*, plainly claims an indefeaſible right for himſelf and heirs to the government of the country.

† It is true, it was the King's office to call parliaments; but this is no argument that it was entirely in his election to do it or not. Parliaments have always been conſidered as one of the indiſputable privileges of Engliſhmen; nor could the juſt adminiſtration of government be carried on, nor its exigencies be ſupplied, without the concurrence of the three eſtates. Charles had put in practice many illegal powers to maintain the authority of ſovereignty in his own perſon, and was at length urged by ſtrong neceſſity, not by inclination, to call a parliament; the ſpirit of the conſtitution, and the virtue of the people, getting the better of an iniquitous reſolution he had taken, to be troubled with none of theſe popular aſſemblies, till he had eſtabliſhed his abſolute ſovereignty in a manner that ſhould oblige them to coincide with his purpoſes; that is, to yield up all pretenſions to legiſlation, to become inſtruments of levying heavy taxes on the people, and to give counſel when their advice was aſked. This was the King's idea of the conſtitutional privileges of parliaments; and this he always means, when he declares it is his intention to ſupport their juſt rights.

Ann. 1642. dle in*. Were not the parliament truſted by us, continues the King, when we firſt ſent for them? And were they not truſted by us, when we paſſed them our promiſe, that we would not diſſolve them? Can it be preſumed, that we truſted them with a power to deſtroy us; and to diſſolve our government and authority †? Were they not truſted by thoſe that ſent them? and were they truſted to alter the government of church and ſtate, and make themſelves perpetual dictators over the King and people ‡?"

* The arbitrary authority exerciſed by this queen is the model to which Charles offered to reduce his power, after all thoſe advantages the popular intereſt had gained, by a ſpirited oppoſition to his tyrannical adminiſtration.

† The act of the continuance of the parliament was not a matter of Charles's election: the parliament had voted tonnage and poundage for no longer a period than two months; and as this branch was more than half the revenue, the King could not ſupport his government without it. It was therefore in the power of the parliament to continue themſelves as long as they pleaſed, or as the people would ſubmit to their authority; ſeeing the King, at this time, was not in a condition to enter into the extremities of a civil war, and thus to defend any new violation of law.

‡ On the ſubject of this diſpute concerning Hull, Charles quoted a ſtatute made in 11 Hen. VII. to provide in theſe times, when the poſſeſſion of the crown was very precarious, for the ſecurity of thoſe who ſhould adhere to the acknowledged king. The parliament argued, That the meaning of this ſtatute, which provided that none that ſhould attend upon the King, and do him true ſervice, ſhould be attainted or forfeit any thing, if conſtrued in a conſtitutional ſenſe, ſecured all thoſe that followed the judgment of parliament for their guide: the duty of allegiance was expreſſed in this ſtatute to be, to ſerve the King, for the time being, in his wars for the defence of him and the land; and not following the king in any caſe whatſoever againſt the kingdom and its laws. It muſt be underſtood to be following him againſt the law of the land,

THE militia bill, which the King had offered the parliament, granted the power for one year to thoſe who had been nominated by the two houſes in their firſt ordinance, ſubjecting the execution of this truſt to the authority of the whole legiſlature, whilſt the King was in England; and to the two houſes only, during his abſence. Many of thoſe who had been nominated in the firſt ordinance were in actual attendance on the court at York, and in declared oppoſition to the parliament. The parliament altered the bill, by extending the time to two years, changing ſome of the commiſſioners names, and confining their power to rebellion, inſurrection, and foreign invaſion; and ſubjecting their authority to the King's command, ſignified by both houſes of parliament. Ann. 1642.

CHARLES, having been thwarted in the execution of his intended journey to Ireland, poſitively refuſed to land, if againſt the parliament, which was the repreſentative body of the kingdom. This was a declining from the duty of allegiance, which the ſtatute ſuppoſed might be done, though men ſhould follow the King's perſon in the war, as appeared by the proviſo at the end of it, "That none ſhould take benefit thereby, that declined from their allegiance." The ſervice of the King, for the time being, could not be underſtood of other than one who was acknowledged king by the parliament; and if the judgment of the parliament muſt be followed when the queſtion was, Who is king? much more muſt it, when the queſtion was, What is the beſt ſervice of the king and kingdom? In regard to the diſpute concerning the right to ſovereignty claimed by the King, and at preſent exerciſed by the parliament, the authority of the latter was founded on the juſteſt baſis of government, viz. the willing ſubmiſſion of the people, who, at a time when they were in a condition to exert their natural ſtrength, oppoſed the pretenſions of the King, and ſubmitted to thoſe of the parliament. *Parl. Hiſt.* vol. X. p. 502. vol. XI. p. 112, *& ſeq.* *Huſbands's Collections*, p. 263, *& ſeq.* The King refuſes the parliament's bill to ſettle the militia.

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Ann. 1642. Husbands's Collections, p. 157, & seq.

pass the bill, alleging that the alterations had given to subjects an absolute power*. He insisted that he was

* He forbid the parliament to put their ordinance in execution. He was confident, he said, if they attempted it, he should find more obedience according to law, than they would do against law: he should esteem all those who should obey them as disturbers of the peace of the kingdom, and would in due season call them to a legal account.

On the receiving a denial to the militia bill, with another message, in which the King demanded justice against Sir John Hotham, and asserted a property in Hull; the Lords, in a conference with the Commons, proposed that the parliament might speedily consider of naming those ill counsellors who advised the King to such messages, that some course might be taken to bring them to punishment: they often importuned the Commons on the same subject.

A declaration was set forth by the parliament, in which they complained of the King's insincerity: "He had, they said, contrary to their advice, declined an ordinance which they had passed, and held necessary for the peace and safety of the kingdom; and had, by several messages, invited them to settle the militia by act of parliament, saying he never denied the thing, only denied the way; that he took exceptions to the preface, as not standing with his honour, and that himself was excluded in the execution, and for a time unlimited: whereupon the Lords and Commons, on his majesty's offering them a bill ready drawn to express their earnest zeal to correspond with his desires, no way declining their ordinance as illegal, did entertain the same; and therein omitted the preamble inserted before the ordinance, limited the time to less than two years, and confined the authority of the lieutenants to three particulars, viz. rebellion, insurrection, and foreign invasion. What must be the exceptions to this bill, says the declaration, not any sure that were to the ordinance: that was excepted against because that the disposing and execution thereof was referred to both houses of parliament, and his majesty excluded; and now, that by this bill the power and execution is ascertained, and reduced to particulars, his majesty will not trust the persons; the power is too great, too unlimited. His majesty, for the space of above fifteen years together, thought not a power far exceeding this, to be too great to trust particular persons with, to whose will the lives and liberties of the people, by martial law, was made subject: for such was the power given to the lord-lieutenants and deputy-lieutenants, in every county

not bound by any promise he had made, to pass the militia-bill, which had been tendered to him by the

Ann. 1642. Journals of Commons, vol. II. p. 559, & seq.

county of this kingdom; and that without the consent of his people, or authority of law: but now, in case of extreme necessity, upon advice of both houses of parliament, for no longer a space than two years, a lesser power is thought too great to trust particular persons with." The declaration concludes with a resolution of the Lords and Commons, to assert their ordinance, and a command to all persons in authority to put it in execution.

The parliament having printed and published their declaration, without the usual ceremony of sending it to the King, he prefaced his reply with an apology, that though he well understood how much it was below the high and royal dignity wherein God had placed him, to take notice, much more to trouble himself with answering those many scandalous seditious pamphlets and printed papers which were scattered throughout the kingdom; yet, he was contented to let himself fall to any office that might undeceive his people, and to take more pains with his pen than ever King did, when he found any thing that seemed to carry the authority and reputation of both houses of parliament. Hyde, afterwards earl of Clarendon, boasts the having composed and penned all the papers published in the King's name, during the contest between him and the parliament. The King, in this apology, claims to himself the sole reputation of these performances. On the subject of this dispute between the King and parliament, touching the militia, a little tract was published, in which the question is very clearly, fully, and logically answered on the fundamental grounds of just and free government, viz. That there was in laws an equitable and a literal sense. His majesty, let it be granted, was entrusted by law with the militia; but it was for the good and preservation of the people: it could not be supposed that the Common-wealth would by law entrust the King with the militia against themselves. That when there was a certain appearance, that the letter of the law should be improved against the equity of it, it gave liberty to the commanded to refuse obedience to the letter; the execution of the laws, according to their equity and reason, being that spirit that gave life to authority. This bold assertion of the rights of mankind gave such disgust to the King, that he stigmatised this pamphlet as one of the most factious performances which had been written against him; and sent a message to the house of Peers, recommending to them to use all possible

Ann. 1642. parliament. Since the votes upon lord-lieutenants, he ſaid, and their commiſſions, begun by him or his father, had ſo diſcountenanced an authority, which for many years together was happily looked upon with reverence and obedience by the people; he had, and did think it neceſſary, that ſome wholeſome law ſhould be provided for the buſineſs of ſettling the militia; but he expected that that neceſſary power ſhould be firſt inveſted in him, before he conſented to transfer it to other men; neither could it ever be imagined, that he would conſent that a greater power ſhould be in the hands of ſubjects than was judged worthy to be truſted with himſelf: If it was not thought fit to make a new act, in that point, he did not doubt but he ſhould be able to grant commiſſions, which would legally enable thoſe he truſted to do all offices for the peace and quiet of the kingdom, if any diſturbance ſhould happen. Whilſt there was ſo great liberty uſed in voting men to be enemies to the common-wealth, an Engliſh phraſe he ſcarcely underſtood *, and in cen-

ble care and diligence in finding out the author, and to give direction to his learned counſel to proceed againſt him and the publiſhers, as perſons who endeavoured to ſtir up ſedition againſt his majeſty: He doubted not but they were very ſenſible how much their own particular intereſt, as well as the public government of the kingdom, muſt be ſhaken, if ſuch licence ſhould be permitted to bold factious ſpirits, to withdraw his ſubjects' ſtrict obedience from the laws eſtabliſhed by ſuch treaſonable diſtinctions: He expected a ſpeedy acount of their Lordſhips exemplary juſtice. The Lords not returning an anſwer to this preſſing meſſage, the King particularly complained of the neglect. *Parl. Hiſt.* vol. X. p. 481, *& ſeq.* *Huſbands's Collections*, p. 171, *& ſeq.* *Ruſhworth*, vol. IV. p. 542, *& ſeq.*

* The King here ſhews his diſapprobation of the term Commonwealth: it began to be uſed in the time of queen Elizabeth, on the earlieſt

ſuring men for their ſervice and attendance on his perſon, and in his lawful commands, great heed muſt be taken into what hands he committed ſuch a power, to ſuppreſs inſurrections and rebellion: If there was learning found out to make Sir John Hotham's taking up arms againſt him, and keeping his town and fort from him, no treaſon and rebellion, he did not know whether a new diſcovery might not find it rebellion in him to defend himſelf from ſuch arms, and to endeavour to recover what was taken from him. That declaration to which this was an anſwer, whether it had refuted his reaſons or not, it had required all perſons in authority to put the ordinance in preſent execution; and all others to obey it, according to the fundamental laws of the land *; but he, whom God had truſted to maintain and defend thoſe fundamental laws, did declare, that there was no legal power in either or both houſes of parliament, upon any pretence whatſoever, without his conſent, to command any part of the militia of this kingdom. Here follows a charge to all the ſubjects, upon their allegiance, and as they would anſwer it on their peril, not to put the ordinance of parliament into execution. A proclamation ſoon after iſſued out, to the ſame purport, on the authority of a ſtatute of the ſeventh of Edward the Firſt, in which it was declared, Ann. 1642. Proclamation.

earlieſt dawn of that taſte for Liberty, which was at preſent at its utmoſt acme in this country.

* The marquis of Hertford, the earls of Cumberland and Lincoln, with the lord Strange, having been nominated in the ordinance, excuſed themſelves from accepting of lieutenancies: the lord Paget, who had accepted of this office, and appointed his deputies, threw up his commiſſion. *Parl. Hiſt.* vol. X. p. 482, *& ſeq.*

Ann. 1642. That to the King, by his royal ſeigniority, it belonged to defend wearing of armour, and all other force againſt the peace; and to puniſh them that do contrary. This was met with a countermand from the parliament *.

The parliament countermand the dictates of the King's proclamation.

CHARLES, on his firſt arrival at York, found the inhabitants of the country very cautious in offering their ſervices; and the court, for ſome time, carried a very mournful and ſolitary aſpect. This did not continue long; the malignants flocked in great numbers to this place of ſafety; moſt of the nobility and gentry, of large property in the kingdom, from a variety of cauſes, eſpouſed the fallen eſtate of monarchy: Some looking

* They aſſerted, that the declaration of 7 Ed. I. was not to the purpoſe for which it was quoted in the King's proclamation; it had nothing to do with the queſtion, Whether, if the King ſhould refuſe to diſcharge that duty and truſt, there was not a power in the two houſes to provide for the ſafety of the parliament and peace of the kingdom? It was acknowledged that the King was the fountain of juſtice and protection; but theſe acts of juſtice and protection were not exerciſed in his own perſon, nor did they depend on his pleaſure, but by his courts and his miniſters, who muſt do their duty therein, though the King ſhould forbid them. The parliament was not only a court of judicature, enabled by the laws to adjudge and determine the rights and liberties of the kingdom, againſt ſuch patents and grants of his majeſty as were prejudicial thereto, although ſtrengthened by his perſonal command, and by his proclamation under the great ſeal; but it was likewiſe a council to provide for the neceſſity, to prevent the imminent danger, and preſerve the public peace and ſafety of the kingdom, and to declare the King's pleaſure in thoſe things that were requiſite thereto; and what they did therein had the ſtamp of royal authority, though his majeſty, ſeduced by wicked counſel, did in his own perſon oppoſe or interrupt the ſame. The King by his ſovereignty was not enabled to deſtroy his people, but to protect and defend them.

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yet upon the King as the only ſource of honour and Ann. 1642.
riches, expected to gain rank and preferments by attaching themſelves to his fortune in this time of adverſity: Others, and theſe were the greater number, men of abject minds, who priding themſelves in a fancied ſuperiority of ſtation, dreaded more than ſlavery that equal partition of privilege and Liberty to which the ſpirit of the times was viſibly tending: Others, of timid natures, apprehended the precarious grounds on which the parliament had diſcarded the common forms of the conſtitution, and aſſumed powers unknown to later ages, ſupported only in theſe high acts by the inclinations of the people, whoſe volatile temper, moulded to their purpoſes to-day, might to-morrow forſake their adventurous leaders, and bow their willing necks to the familiar yoke of regal power: Some, whoſe conſciences, baſely enſlaved to the doctrines of prieſts, confounding political duties with a dark miſtaken ſenſe of religion, ſubmitted with ſuperſtitious reverence to the claims of the crown and the mitre, and regarded it as an act of devotion to ſupport prerogatives they had been taught to look upon as ſacred and of divine original: Some there were who, though poſſeſſed of ſuperiority of fortune and ſtation to the popular leaders, yet being inferior in point of abilities and virtue, were unable to attain their reputation and influence: theſe, with envious affections, curſed that cauſe which, if crowned with ſucceſs, muſt yet farther advance the power and fortunes of the men they hated. Others again, of looſe morals, aſpiring to nothing but the eaſy enjoyment of vicious life, abided by the rights of the crown, becauſe they were ſecure of finding, in the riotous luxu-

Ann. 1642. ries of a court, all thoſe wanton amuſements from which the ſober manners and rigid virtue of the parliamentary party would have totally debarred them *.

THE defection to the cauſe of Liberty was much greater in the upper than in the lower houſe. No leſs than nine peers were impeached by the Commons, for departing † without leave, and ſtill continuing at

Nine peers impeached by the Commons.

* One of the chief motives which actuated the ſons of Brutus to attempt the reſtoration of the monarchy of Rome, was the indulgence of a vicious licentiouſneſs which they had practiſed under the example and protection of a court, and of which they found themſelves deprived when the laws recovered their full force.

† On the twenty-fifth of May, on a call of the houſe of Peers, it was found, that thirty-two peers were abſent, and with the King at York; in two or three days after, five more deſerted the ſervice of parliament. On the ſixteenth of June, the houſe of Commons being called, ſixty-five members were abſent: on this deficiency a reſolution paſſed, That the abſent members ſhould not ſit in the houſe till they had made their excuſe to a committee appointed for the purpoſe, and that excuſe allowed of by the houſe. The ſame committee were authoriſed to levy the fines of 100 l. which, by a former reſolution, had been impoſed on abſent members. To oblige members to a methodical attendance on the public buſineſs, it was ordered, in the lower houſe, that thoſe who were not at prayers at eight o'clock every morning ſhould pay twelve-pence to the poor. The King, in hopes of leſſening the credit of the parliament, had ordered his friends in both houſes to abſent themſelves from the councils of theſe aſſemblies; and then endeavoured to inculcate the opinion, that they were driven away by tumults. His hiſtorian Clarendon gives a variety of reaſons for theſe men forſaking the duty of their office, which turned out to be a piece of very ill policy, ſince it occaſioned all the King's enemies to carry their meaſures into execution without oppoſition. The Commons, on very juſtifiable grounds, expelled all thoſe who refuſed to obey their ſummons of attendance, and iſſued out new writs to chooſe other members in their room. *Journals of the Commons*, vol. II. p. 538.

York,

York, notwithſtanding a ſummons and command to re- Ann. 1642.
turn to the duties of their office. For this high affront and contempt of both houſes, and by ſuch demeanour juſtly ſuſpected to promote a civil war, they were ſentenced to loſe their vote and privilege in the preſent parliament; and to ſtand committed to the Tower, during the pleaſure of the houſe *. The great reſort to the King's court had an obvious influence on the conduct of the Yorkſhire gentry. The parliament, to prevent their total defection, ſent down the lord Howard of Eſrick, the lord Fairfax, Sir Hugh Cholmley, Sir Henry Cholmley, and Sir Philip Stapleton, all men of rank and property in the county of York, as a committee to reſide about the court, to watch the motions of the King, to counteract his projects, to vindicate the authority of parliament, and to juſtify their intentions from falſe aſperſions. The King, taking up a higher ſtyle than he had hitherto uſed to any that were immediately commiſſioned from the parliament, ordered them to return

Journals of Commons, vol. II. p. 563.

Parl. Hiſt. vol. X. p. 511.

* Clarendon repreſents this as an high breach of privilege, for the lower houſe to interfere in a matter ſo entirely belonging to the upper houſe. The fact is not only unfairly ſtated by this hiſtorian, but the concluſions drawn from it are partial and prejudiced: the Lords themſelves invited the Commons to take a part in a buſineſs which, they ſaid, concerned the ſafety of the realm, and the very being of parliaments. The critical time of this diſobedience rendered the offence a public one; and it was in this ſenſe alone that the Commons, as the general inquiſitors of the kingdom, impeached the offenders. "The withdrawing themſelves from parliament, ſaid they, is co-operating with the deſigns of that party from whoſe malignant oppoſition the nation is daily threatened with the horrors of a civil war. *Parl. Hiſt.* vol. XI. p. 188, 195, 200, 325.

to

Ann. 1642. to London *. They pleaded their command to continue about his perſon, and to endeavour to keep the peace of the country. On this he told them, that if they would poſitively diſobey him, and ſtay, he adviſed them not to make any party, or hinder his ſervice in the country; for otherwiſe, he would clap them up. They replied, with firmneſs, that they had undertaken, and were bound in duty and honour to obſerve, the inſtructions they had received; nor could they be commanded from executing them, without a breach of the privilege of parliament †.

* The hopes of the party were at this time very high, as may be ſeen by a letter written by colonel Wilmot, an agent in the conſpiracy to bring up the army, to one Crofts, in Holland, intercepted by a ſhip ſtationed on the northern coaſts: it exemplifies the conduct, manners, and way of thinking of the court and its dependants. "Dear Will, by theſe laſt letters to the queen, you will find a great alteration of buſineſs here: the King, that very lately appeared almoſt abandoned by all his ſubjects, is now become the favourite of the kingdom; yet I believe his enemies are not ſo neglected as not to be able to raiſe an army to oppoſe him: and indeed here lies the teſt; for they will be followed juſt enough to forfeit their eſtates, which, I have often heard you ſay, were better beſtowed on ſome of us. Yeſterday there came a meſſenger from the houſe, who had an order, and did likewiſe raiſe the power of the country, to entreat Berkley, Aſhburnham, and myſelf to come to ſpeak to the houſe; but the King gave the meſſenger a ſhort anſwer, and an officer or two gave him a ſhort cudgel; ſo he is returned to London, a fine gentleman with his arm in a ſcarf." *Parl. Hiſt.* vol. XI. p. 260, *& ſeq.*

† Though theſe men had done nothing to incur the penalty of the law, yet Clarendon ſeems to lament it, as a particular inſtance of the King's preſent tickliſh condition, that he could not either commit them to priſon, or expel them the city of York, or inhibit them the freedom of the court. The King's threats occaſioned a declaration from both houſes, That any perſon whatſoever, who ſhould arreſt or impriſon thoſe

CHARLES, thinking himſelf pretty ſecure of the affec- Ann. 1642.
tions of the Yorkſhire gentry, had ſummoned them to attend him on the 12th of May *; the purpoſe of this meeting being to levy forces, under the pretence of a guard for the King's perſon. The committee employed their intereſt to defeat the deſign. The King made a ſpeech to the aſſembly, in which he complained, in bitter terms, of the diſreſpect of the parliament, the diſobedience of the committee, and the forlorn condition to which he was reduced; and concluded with telling them he meant to raiſe a guard of horſe for the ſafety of his own perſon, to continue no longer than the neceſſity of the juncture ſhould require, and to be maintained at his own expence. Previous to this ſpeech, ſome of the meſſages which had paſſed between the King and parliament were read, whilſt ſeveral perſons, who had been placed on purpoſe near the King, applauded his meſſages with tumult and riot, and hiſſed and reviled thoſe of the parliament with indecent language, ſaying they ought to ſet their houſes in order, for many of their members would ſhortly have their heads cut off †. This low inſult had a different effect

thoſe lords and gentlemen, or any of them, or any other member of either houſe that were or ſhould be employed in the ſervice of both houſes of parliament, or ſhould offer violence to them, for doing any thing in purſuance of their commands, ſhould be held diſturbers of the proceedings of parliament, and public enemies of the ſtate; and that all perſons were bound by the proteſtation to bring them to puniſhment. *Parl. Hiſt.* vol. X. p. 514.

† The parliament paſſed a declaration againſt this ſummons. *Journals of the Commons*, vol. II. p. 556.

† The King had expreſsly ordered the committee to attend, with an intent to mortify them with this inſult.

from

Ann. 1642. from that to which it was intended, diſguſting even the moderate men of the royal party, who ſtill retained a veneration for parliaments. The committee retired, with the reſt of the gentry, to take the King's propoſal into conſideration. In manly, though in modeſt terms, they expoſtulated with them on the rough uſage they had received: they communicated to them the inſtructions of the parliament, and urged the neceſſity they were under to obey their commands: they juſtified the conduct of this aſſembly; and aſſerted, that their care of the King's perſon was ſuch, that he could have no need of guards. Charles, fearing the influence of ſuch diſcourſes, ſent a peremptory order to the committee, that they ſhould depart. Twelve men having been appointed to conſider of an anſwer to the King's propoſition, the buſineſs of the day was finiſhed: the committee therefore withdrew, according to the King's command; but withal told the aſſembly, that they had a right to aſſiſt at ſuch conſultations, being free-holders of the county; and whenever there was occaſion for their preſence, in purſuance of their inſtructions, they would attend. This was received with applauſe from the whole company; and ſuch was the effect their firm conduct and judicious arguments produced, that the King's propoſal was not accepted with unanimous approbation. Six of the twelve who had been appointed for the forementioned buſineſs, brought in an anſwer, the purport of which was, To deſire the King to impart his fears to the parliament, to hearken to their advice, and to permit the committee, for whoſe fidelity and honour they would be reſponſible, to negociate their employment, till they were recalled by the parliament.

liament. The anſwer which the other ſix brought in, Ann. 1642.
wholly acquieſced with the King's deſire, without other condition than that the guard ſhould be all gentlemen, and unqueſtionable in their religion. The ſubſcribers to this were very few in proportion to the number that ſigned the other. Charles met with a contradiction of the ſame kind from the inferior claſs of free-holders, of whoſe inclinations being apprized, he had not only omitted in his ſummons, but in their repair to the city of York had forbid them to attend the place of meeting. This uſage was reſented with proper ſpirit: the free-holders, to the number of many thouſands, ſent up a petition, in which they ſet forth, that they had not only been denied acceſs to the King, and kept back by violence, but had been preſſed to ſubſcribe a paper, ſtyled, An anſwer to his majeſty's propoſitions; and, on their denial, had been threatened, that when his majeſty's army was on foot, they that refuſed ſhould be firſt pillaged: they intreated the King to preſerve the peace of the county, which could not, they ſaid, afford that honour and ſafety to his majeſty as the whole kingdom, which he might command, if united to his parliament; and hinted, that none of his mandates could be legally obeyed, if contrary to the ſenſe of that aſſembly. This petition they followed with a ſpirited declaration, in which they proteſted againſt being concluded in any reſolutions of that referree of knights and gentlemen who were elected without their aſſent.

The King levies force under the guiſe of a guard.

NOTWITHSTANDING this oppoſition, the King purſued his reſolution of raiſing levies: the gentry of the county were ſummoned to bring in their horſe, a troop

Ann. 1642. of cavalry was formed, and a regiment of train-bands, under the command of Sir Robert Strickland, was appointed to wait on the King *, as his guard of foot. With this military parade, attended by the duke of York, the prince Elector, and all the nobility who had followed his fortunes, with his whole train of ſervants, he met a general aſſembly of free-holders, whoſe affections he found it neceſſary to reconcile. Curioſity brought a multitude, to the number of forty thouſand, to the field of meeting. To theſe the King made a ſpeech, excuſing his former conduct, on the pretence of the largeneſs of their body; and that time and conveniency was to be obſerved in their meeting: he then talked to them of the dangers he had run at Whitehall; that he particularly truſted that part of his dominions to reſide in; he aſſured them he would never uſe their obedience but in defence of the orthodox religion, ſettled in queen Elizabeth's time, and the laws and fundamental conſtitutions of the country. For his zeal to the Proteſtant faith, he referred the world to his daily exerciſe of it, his declarations concerning it, and to his execution of the laws againſt Papiſts †; and for the law, it being

* Orders iſſued from the two houſes, directing the ſheriffs and other officers of the ſeveral counties, within 150 miles of York, to ſtop all arms and ammunition going to that city; and to ſuppreſs the raiſing and coming together of any ſoldiers, horſe or foot, by any warrant, order, or commiſſion from the King. The preamble to theſe orders begins thus: "Whereas it appears that the King, ſeduced by wicked counſel, intends to make war on his parliament, and, under colour of a guard, doth command troops, both of horſe and foot, to aſſemble at York, &c."

† The aſſertion of ſo notorious a falſhood was a piece of ill policy, unleſs the King was in hopes to perſuade the country that the

the common inheritance of his people, he ſhould never Ann. 1642.
enforce his prerogative beyond it*. For his reſolution to maintain peace, he referred them to his former ſixteen years reign: if, in all that time, he had not cauſed the effuſion of one drop of blood, it muſt needs be thought that, in his riper judgment in government, he ſhould never open ſuch iſſues as might drown himſelf and poſterity †. The King concluded this harangue with an aſſurance that he never intended to uſe foreigners, or any diſaffected in religion; for which reaſon he had cauſed the oath of allegiance to be given to his guard; he would eaſe the country of the number of train-bands, whenever they ſhould think it convenient time; and for their billet-money, he told them, that they would long ſince have been paid, but that no part of the ſubſidies which he had paſſed had come to his hands ‡. A petition, containing the ſenſe of the

the proceedings of this parliament againſt the Papiſts were court-meaſures.

* The King ſtill aſſerts a prerogative in the crown ſuperior to law.

† What could the King mean by this boaſt? Becauſe, when there was no oppoſition to his tyranny, he did not wantonly make war on his ſubjects, was this an argument that he might not be inclined to do it when his will was reſiſted? Or was not the aſſertion, That he never cauſed the effuſion of one drop of blood, falſe? Could the operation of diſmembering be performed without the effuſion of one drop of blood? Were theſe cruel ſentences the judgment of the ordinary courts of juſtice? Were they not illegal mandates of that arbitrary court the Star-chamber, whoſe conduct was immediately directed by the will of the King?

‡ Part of the billet-money, and what was owed to the northern counties, for the maintenance of the Scots army, had been paid by the parliament. *Journals of the Commons*, vol. II. p. 515.

Ann. 1642. greater part of the county, but that thwarted the intentions of the court, was preſented to the King, on this occaſion, by Sir Thomas Fairfax, a man of amiable manners, of diſtinguiſhed character, and of large property and influence in the county *.

* The petition ſet forth, That the miſeries the county had endured for three years laſt paſt, in having been the ſeat of reſidence for two great armies, was become much more heavy by his majeſty's diſtance and difference in councils from his parliament; by his drawing together, contrary to law, companies of the trained-bands, both horſe and foot; by his entertaining commanders and cavaliers from other parts; by the daily reſort to his court of recuſants and perſons diſaffected in religion; by the great preparations of arms, and other warlike proviſion, begetting fears of wars, to the great terror of his peaceable ſubjects, and the decay of commerce and induſtrious courſes for the wealth and proſperity of the county, eſpecially of cloathing, its main ſubſiſtence: It ſolicited the King to redreſs theſe evils, by keeping a right underſtanding with, and hearkening to, the councils of parliament; and that he would not put the petitioners upon the rock of denying either the duty they owed to his majeſty, or to the parliament and the whole kingdom, to which they were ſo deeply engaged by their proteſtation; and that whilſt he expected the performance of their ſervice, they might not go againſt their duty in a thing they ſtood reſolved by no means, either of fear or favour, to be drawn to. They intreated the King, that the lords and great officers called away by his command, might be ſpeedily returned to the exerciſe of their legiſlative duty, that it might be evident to the world, that his majeſty did not intend to decline the law which enacted, That the parliament ſhould not be adjourned or diſſolved without their own conſent: that ſince his majeſty had graciouſly declared his confidence in the affections of the county, he would not think it fit to raiſe an extraordinary guard; and to continue the cavaliers and others of that quality about his perſon as men moſt uſeful, and as if kept on ſome deſign, they not having intereſt in or affection to the public good, their language and behaviour ſpeaking nothing but diviſions and wars, and their advantage conſiſting in that which was moſt deſtructive to others: they deſired, that none of theſe, or any who had not fortunes in the county, might be admitted to any conſultation

THE parliament earneſtly petitioned the King to diſband his forces, telling him, that if he would not de- Ann. 1642. Journals of Commons, vol. II. p. 585.

tation that day, or hereafter, concerning the public good: theſe were the only probable means to reſtore peace and plenty to the kingdom, to preſerve the Proteſtant religion, and to redeem their brethren in Ireland. This petition, preſented in the name of the gentry, miniſters, freeholders, and others, inhabitants of the county of York, was rejected by the King with an imperious diſdain, that provoked the hatred of a man who proved one of the moſt formidable of his enemies. This was Sir Thomas Fairfax, who, as he held forth on his knees the petition, Charles turned from him with that inſolent ſcorn, that Sir Thomas was very near being trampled under his horſe's feet. The eminence of this baronet's ſtation and credit in the county, and the amiableneſs of his character, ought to have exempted him from ſuch an inſult, either on the principles of policy or humanity. Charles affected to be ignorant of both theſe circumſtances: in his anſwer to a remonſtrance of the Commons, on the ſubject of this petition, he ſpeaks of Sir Thomas Fairfax as a man undiſtinguiſhed and unknown. "It is true, he ſays, a petition was preſented to him by one Sir Thomas Fairfax, which was avowed by no man but himſelf, and diſclaimed by the general acclamations of the people." This is a very ſuſpicious repreſentation of the fact, ſeeing the party in the county of York againſt the meaſures of the court was very powerful, and men of fortune are not very forward to appear ſingle in matters of this nature. This was not the only proof the King and his followers gave, that their preſent cloud of adverſity had not abated the arrogance of their prejudices: a meſſage was ſent to the committee of parliament, expreſsly commanding them not to aſſiſt at the meeting. The earl of Lindſey attended with a troop of horſe, ſnatched out of a gentleman's hand a copy of the fore-mentioned petition, which he was reading to a parcel of people at their deſire, calling the company traitorous rogues and villains, and lifting up his cane to the gentleman in a threatening manner. Sir John Bourchier likewiſe was affronted in the ſame ſtyle by lord Saville, who demanded of him to deliver the draught of the petition, which he was reading to himſelf; and, on his refuſal, laid his hand upon the belt of his ſword, and almoſt pulling him off his horſe, forced the paper from him, telling him, If he loved fighting he ſhould have fighting enough: many of his attendants, holding up their canes, told him, It were good to cane him,

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Ann. 1642. ſiſt from his deſigns, they ſhould hold themſelves in duty towards God, the truſt repoſed in them by the people, and the fundamental laws and conſtitution of the realm, to employ their care and utmoſt power to ſecure the parliament, and preſerve the peace and quiet of the kingdom. The King pretended to deride the apprehenſions expreſſed in the petition, and the jealouſy of hoſtile intentions, on his part: inſtead of acquieſcing with the deſire of parliament, he again demanded them, in a high ſtyle, to give him ſatisfaction on Sir John Hotham; to return to him the poſſeſſion of Hull, his fort, and goods; to lay down all pretenſions of declaring what was law; to call in all the pamphlets that ſeditiouſly endeavoured to diſable him from protecting his people, and weakened his authority, by falſe aſperſions and new falſe doctrines. The parliament, finding the King thus determined, began to take into ſerious conſideration the enforcing the ordinance of militia. They were in poſſeſſion of the inclinations of the greateſt part of the people, who teſtified their favour, not only by preſenting petitions, containing the

Clar. Hiſt. vol. I. p. 339.

him, it were a good deed to put him in the ſtocks. When theſe inſolences were made known to the parliament, they voted, That the earl of Lindſey and the lord Saville were public enemies of the ſtate, and incendiaries between the King and his people; and that they ſhould be apprehended by the ſheriff of Yorkſhire, and conveyed from ſheriff to ſheriff to the houſe. To the expoſtulations of the parliament on this ſubject, the King anſwered, with a poſitive aſſertion, "That his guards had been ſo far from offering any affronts, injuries, or diſturbances, to any of his good ſubjects, that their principal end was to prevent ſuch, and ſo might be ſecurity, could be no grievance, to the people." *Petition of the Gentry, Miniſters, &c. to the Parliament. Parl. Hiſt.* vol. XI. p. 173, *& ſeq. Clarend. Hiſt.* vol. I. p. 510.

ſenſe

ſenſe of their votes and reſolutions, and full of zeal to their ſervice, but many in ſeveral counties had offered themſelves as volunteers to defend the cauſe of Liberty; whilſt others exerciſed the diſcipline of arms, to render themſelves an uſeful militia, when called out to ſervice by the authority of parliament. With this eminent advantage, they had at length removed the Hull magazine to the Tower of London, and had ſecured to themſelves the command of the navy, by appointing the earl of Warwic, a reſolute man, and a ſtaunch friend to their intereſt, admiral of the fleet under the earl of Northumberland, in the room of Sir John Pennington *, to whoſe character they objected, the having delivered up the Engliſh fleet for the uſe of the French, to beſiege a Proteſtant town †; and the having conveyed the lord Digby beyond ſea, in his flight from the juſtice of parliament. The King ſignified to the earl of Northumberland, that he expected Sir John Pennington ſhould be continued in his office. This contradiction produced a meſſage, repreſenting, that the Commonwealth would ſuſtain much miſchief and danger by his majeſty's interruption; but the King ſtill inſiſting on the point, the two houſes confirmed, by their own authority, the earl of Warwic in the command of the fleet ‡; the earl of Northumberland, in obe-

Ann. 1642. Journal of Commons, vol. II. p. 659, & ſeq.

Parl. Hiſt. XI. p 122.

Journals of Commons, vol. II. p. 513, & ſeq.

The parliament ſecure to themſelves the command of the fleet.

* The motion for removing Sir John Pennington came firſt from the Lords.

† Rochelle.

‡ To this reſolution diſſented the marquis of Hertford, earls of Bath, Devon, Monmouth, Berkſhire, Cleveland, Dover; lords Mowbray, Wentworth, Howard de Charlton, Saville, Seymour.

dience

Ann. 1642. dience to their desires, having granted him the commission *.

Measures of the parliament to prepare against the threatened war.

For the raising a sum large enough to supply the expence of the threatened war, strict warrants were sent out for the gathering all the money which by negligence remained uncollected, of granted bills of subsidy, and the poll-bill. Of the merchants were borrowed the customs allotted by a bill of tonnage and poundage, which had passed both houses, but had not yet obtained the royal assent, under a promise that the parliament would account for it to his majesty, or restore it on his refusal to pass the bill. The city likewise shewed their affection by the loan of another hundred thousand pounds, towards the expences of the Irish war; and both houses entered into an engagement to bring in money, plate, and horses, for the public use.

After the following vote had passed both houses, That the King, seduced by wicked counsel, intended to make war against the parliament, contrary to the trust reposed in him by the people, and contrary to his oath †; directions were given for the mustering and

* Lord Clarendon, who always makes an apology for the apparent necessity the King was at present under to submit passively to these exertions of power, says, That if he had farther contested this point, he could not have reduced the fleet to his obedience; he might, perhaps, have prevented its going out to sea, which would have confirmed the frantic jealousy of bringing in foreign forces.

† In this vote it was declared, That whosoever should serve or assist him in such wars, were traitors, by the fundamental laws of the kingdom; and had been so adjudged by two acts of parliament, 11 Rich. II. and 1 Hen. IV.

ex-

exercising the train-bands of London. On the tenth Ann. 1642.
of May eight thousand militia, disposed in six regiments, under proper officers, with serjeant-major general Skippon at their head, were drawn out in Finsbury fields, to be reviewed by the two houses, a large tent having been prepared for them by the care of the city, by whom they were treated with a magnificent entertainment, at the expence of near a thousand pounds. This ceremony over, which fully demonstrated the hearty concurrence of the capital, orders were sent to the several counties, to put in immediate execution the ordinance of the militia; with directions to the lords-lieutenants, and their deputies, to secure the magazines of each county; to encrease the stores to what proportion they thought convenient; and to supply private persons, well affected, with arms and ammunition *. The King, to encrease the number of his train, and to interrupt the proceedings of the parliament, had sent a writ to the lord-keeper to adjourn Midsummer-term from Westminster to York; and a warrant to Skippon, the commanding-officer of the London train-bands, to attend him †. The parliament

* Clarendon artfully mentions these facts as preceding the King's levying forces; whereas it was not till after this incident that the parliament enforced their ordinance of militia.

† The King had before sent for the earls of Essex, Holland, Salisbury, and the lord Saville, to appear at York at St. George's feast, they being knights of the garter. The house of Lords interfered, and determined, that their members should attend the business of the house, the great affairs of the kingdom being then in agitation; and a message to this purport was sent to the King. The lord Seymour having received the same mandate, was set out for York, on a former leave of absence; but a messenger was sent after him, with orders to bring him

Ann. 1642. countermanded the order to the lord-keeper, and reſolved, That the removing the term from Weſtminſter,

back. The King ſent to the earls of Eſſex and Holland a licence and diſpenſation from their attendance in parliament; and, on their reſolution to obey the commands of the upper houſe, the lord Falkland, by the King's order, the keeper Littleton having refuſed the ungrateful taſk, demanded of them to reſign the enſigns of their office. The two earls obeyed, but the Lords paſſed the following reſolution on the occaſion: That the attendance of the earls of Eſſex and Holland, according to the order of this houſe, is no diſobedience to the King's command: That the removing the ſaid earls from their places, becauſe they obeyed the ſaid order, is againſt the privileges of parliament: That the King's licence and diſpenſation for any lord's abſence in parliament, when the houſe ſhall command him to attend, cannot diſcharge his attendance: That any lord's diſobeying ſuch command, notwithſtanding any licence or diſpenſation, is puniſhable by this houſe. The Commons propoſed ſome additions to theſe reſolutions, which were agreed to by the Lords, viz. That the King's licence and diſpenſation to diſcharge the earls from their attendance in parliament was a high breach of privilege; and the diſplacing them at this time, and on this occaſion, was an injury to the parliament and the whole kingdom: That what perſon ſoever ſhould accept their offices, until ſatisfaction was given the parliament, ſhould be accounted to do an ignoble act, and to offer an affront to parliament; and thereby render himſelf unworthy of any place of honour or truſt in the Commonwealth: That theſe proceedings were the effects of evil counſel, to diſcourage good men from doing their duty; and tended to encreaſe the diviſions between the King and his people; and to the diſturbance of the peace of the kingdom. Clarendon ſays, That the reſolution of turning the earls of Eſſex and Holland out of their office was greatly conteſted by the King's friends as an impolitic meaſure; the inclinations of theſe noblemen not being ſo far engaged in the cauſe of Liberty as to deſire to advance farther in oppoſition, unleſs urged thereto by any affront put on them by the court; but that the King was inexorable on the point, being obliged thereto by a promiſe he had made the queen, who had contracted ſo great an indignation againſt the earl of Holland, that ſhe had declared ſhe would never live in the court, if he kept his place. The violence of the queen's temper, and the implicit obedience the King paid

ſitting the parliament, was illegal *: That for his majeſty, at his pleaſure, to command any free-born ſubject to attend his perſon, not bound thereto by ſpecial ſervice, was illegal: That ſerjeant-major Skippon ſhould continue to attend the ſervice of both houſes: That his ſummons was againſt the liberty of the ſubject, and the privilege of parliament, he being employed in their ſervice. The purport of theſe votes was publiſhed in a declaration, with an addition, That whoſoever ſhould take arms, upon pretence of his majeſty's command, and gather together with others in a warlike manner, to the terror of the King's people, ſhould be eſteemed diſturbers of the public peace, and to do that which might introduce a precedent of very dangerous conſequences for the future, and produce much miſchievous effects for the preſent. Here follows an order † to all ſheriffs, to raiſe the power of the county,

Ann. 1642. Journals of Commons, vol. II. p. 579, & ſeq.

paid to her humours, render this very probable. It is ſuſpected that the queen, whoſe diſpoſition was very amorous, had beſtowed upon Holland, beſides titles and court-preferment, favours of a more tender nature. Some time after the earls of Northumberland and Pembroke exhibited letters from the King, commanding their attendance. Theſe lords followed the example of Eſſex and Holland, and obeyed the prohibition of the houſe. The Lords had before expreſſed ſome reſentment, on letters written by the King to ſeveral members of the upper houſe, commanding their attendance in parliament, when there were buſineſſes of moment to his intereſt in agitation. *Parl. Hiſt.* vol. X. p. 317, 340, *& ſeq.* 432, 434. *Journals of the Commons*, vol. II. p. 529. *Peyton's Memoirs*, p. 54, *& ſeq.*

* This reſolution paſſed firſt in the upper houſe. *Journals of the Commons*, vol. II. p. 579.

† Some time after an order paſſed both houſes, generally directed to deputy-lieutenants, for the due execution of their office, with a declaration that the parliament would, from time to time, ſend down ſome of their members to give their perſonal attendance on the ſervice. *Parl. Hiſt.* vol. XI. p. 137.

Ann. 1642. to ſuppreſs all perſons who ſhould, on pretence of ſuch command, draw together, and put themſelves in a poſture of war *. The people, who were, at this time, by both parties acknowledged the umpires of the preſent diſpute between the King and the parliament, was addreſſed by the latter in a voluminous declaration, in which, by concluſions drawn from the King's conduct and character, they endeavoured to vindicate themſelves from the charge of treating him with unneceſſary ſeverity; and to perſuade the people, that the ſecure poſſeſſion of their privileges depended entirely on their firm ſupport of the authority of parliament †.

* The King called this order a levying war on him. It was after the publiſhing this declaration, that the parliament received the denial of the nine peers to obey their ſummons, in the following letter to the ſpeaker, which gave great offence. "We whoſe names are underwritten, have received a ſummons, dated the thirtieth of May, to appear the eighth of June, at the bar of the houſe of Peers: we are come here to York, at this time, to pay a willing obedience to his majeſty's commands, ſignified by letter under his hand, which commands remain upon us ſtill. Northampton, Will. Devonſhire, Monmouth, R. Rich, Hen. Dover, Grey of Ruthyn, C. Howard, T. Coventry, Arthur Capel." Things were carried at this time ſo high at York, that not only delinquents, and others of all ranks, under the ſanction of the King's commands, refuſed to obey the ſummons of parliament, but their meſſengers were beat, abuſed, and even impriſoned. *Parl. Hiſt.* vol. X. p. 542. vol. XI. p. 183.

† They juſtified the legality of the power they exerciſed over the militia: It was no new law, they ſaid, but the moſt ancient one in the kingdom; and that which was fundamental and eſſential to its conſtitution and ſubſiſtence. The wiſdom of the ſtate had entruſted the houſes of parliament with a power to ſupply what ſhould be wanting on the part of the prince, as was evident by the conſtant cuſtom and practice thereof, in caſes of nonage, natural diſability, and captivity; and the like reaſon muſt hold for the exerciſe of the ſame power, where the royal

Having paſſed, they ſaid, ſo many dangers from abroad, ſo many conſpiracies at home, nothing ſeemed Ann. 1642.

royal truſt could not be, or was not diſcharged. To the accuſation of not having ſhewn ſufficient regard to the King's profeſſions, they remembered him of the many inſtances in which he had violated his word ſolemnly given. From the effects of his inſincerity, they ſaid, even laws could not ſecure them; witneſs the petition of right, which had been followed with ſuch an inundation of illegal taxes, that they had juſt cauſe to think, that the payment of eight hundred thouſand pounds was an eaſy burthen to the Commonwealth in exchange. Though his majeſty had paſſed many bills very advantageous to the ſubject, yet in none of them had the parliament bereaved him of any juſt, neceſſary, or profitable prerogative: The bill for the continuance of the parliament was ſo neceſſary, that without it they could not have raiſed ſuch great ſums as they had done for the ſervice of his majeſty and the Commonwealth, without which the deſtruction of the kingdom muſt needs have followed. To the King's diſavowal of evil counſel, they ſaid, that by the direction of the law, and the affections of their own hearts, they muſt, as circumſtances would allow them, clear his majeſty from all imputation of ill government, and lay the fault on his miniſters. His majeſty's profeſſing a faithful and zealous affection for the Proteſtant religion, did not clear thoſe in greateſt authority about him, by whom its deſtruction had been laboured for divers years; a deſign ſo manifeſt, they ſaid, that neither Proteſtant nor Papiſt, who had any reaſonable view of the paſſages of latter times, but either in fear or hope, did expect a ſudden iſſue of it. That the rebellion in Ireland was framed and cheriſhed by the malignant party in England, was not only affirmed by the rebels, but might be cleared by many other proofs, drawn from the ſimilarity of their principles, politics, and profeſſion. That their treacherous pretences had been countenanced, might appear in this, that the proclamation declaring them traitors was with-held to the ſecond of January, though the rebellion broke out the preceding October; and then no more than forty copies appointed to be printed; with a ſpecial command from his majeſty, not to exceed that number, and that none ſhould be publiſhed till his pleaſure was farther ſignified; a circumſtance more obſervable by the late contrary proceedings againſt the Scots, who were in a very quick and ſharp manner proclaimed rebels; and thoſe proclamations forthwith diſperſed with diligence throughout the kingdom, and ordered

Ann. 1642. to be left in the way to hinder the full accompliſhment of their deſires and endeavors for the public

ordered to be read in all churches, accompanied with public prayers and execrations. The penner of his majeſty's declaration had not been very tender of his honour, when they made him call God to witneſs, that he knew of no reſolution of bringing up the army: ſuch aſſeverations would ſeem ſtrange to thoſe who ſhould read the depoſitions which had been taken on the ſubject. They aſked, how the accuſation of the ſix members could be ſaid to be largely ſatisfied, ſo long as his majeſty juſtified his attorney, declared he had done but his duty, and that he would have puniſhed him had he acted otherwiſe; ſo long as thoſe members had not the means of clearing their character, ſo long as he concealed the authors of that malicious accuſation, ſo long as he refuſed to paſs a bill for their diſcharge, unleſs they diſſented the avowing their innocence? They did not look on this matter as a breach of privilege only, which might be, though the accuſation were true or falſe, but a heinous crime in the attorney, that men ſhould be charged with ſo great an offence as treaſon in the face of the higheſt judicatory in the kingdom, whereby their lives, eſtates, blood, and honour, were endangered, without witneſs, without evidence in a legal courſe. On the ſubject of tumults, they ſaid, the citizens of London had been notoriouſly provoked, beaten, and wounded, by Lunsford, Hyde, the archbiſhop of York's ſervants, and others, many of them being without weapons, and giving no cauſe of diſtruſt: That the officers and ſoldiers who had committed theſe acts of violence were cheriſhed in his majeſty's houſe; and when reparation for the injuries they had offered was demanded, in a petition from the council of London, his majeſty had anſwered, without hearing proof of the complaints, That if any citizen had been wounded or ill treated, he was confidently aſſured it happened by their own evil and corrupt demeanour. Of any ſcandalous or ſeditious miſdemeanor of theirs that might give his majeſty good cauſe to ſuppoſe his own perſon to be in apparent danger, there was no proof offered to either houſe; and for its being affirmed that his majeſty was driven from them, they hoped it was not by his own fears, but by the fears of the lord Digby and his retinue of cavaliers; and thoſe no fears of any tumultuary violence, but of juſt puniſhment for their manifold inſolence and intended violence againſt the parliament. Of his majeſty's perſon there was no cauſe of fear; for in the greateſt heat of the people's indignation, after the accuſation of the ſix members,

and

good, unleſs God did ſend ſo grievous a curſe upon Ann. 1642.
them, as to turn the ſtrength of the kingdom againſt

and his violent coming to the houſe, there was no ſhew of any evil intention againſt his perſon; a fact which could not be better evidenced than by his going the next day without a guard into the city, where he heard nothing but prayers and petitions, no threatenings nor irreverent ſpeeches; and that he ſtaid a week after at White-hall, in a ſecure and peaceable condition. To that point of maintaining and upholding his authority, nothing had been done to the prejudice of it which could require any new proviſion: To the other of ſettling his revenue, the parliament had not abridged his juſt one, but had ſupplied the waſte and confuſion of his eſtates by providing for his houſehold, and the maintenance of the forts, more than they were obliged to do. They were yet willing to ſettle one on him that ſhould enable him to live royally and ſafely; but they could not, in wiſdom and fidelity to the Commonwealth, do it, till he ſhould chuſe ſuch counſellors and officers as might order and diſpoſe it to the public good, and not apply it to the ruin and deſtruction of his people. Theſe matters of importance and intricacy would require ſo long a time of deliberation, that the kingdom might be ruined before they could be effected. It was for this reaſon they had been ſuitors to his majeſty to order the militia, that the kingdom being ſecured, they might with ſafety apply themſelves to the debate of his meſſage.

Let the world judge, whether they had not reaſon to inſiſt that the ſtrength of the kingdom ſhould rather be ordered by the direction and advice of the great council of the land, equally entruſted by the King and kingdom, than that the ſafety of the King, parliament, and kingdom, ſhould be left at the devotion of a few unknown counſellors. They could not conceive that the long time ſpent in debate was ſufficient evidence that there was no ſuch neceſſity or danger, but that a bill might eaſily have been propoſed: when many cauſes did concur to the danger of a ſtate, the interruption of any one might hinder the execution of the reſt, yet the deſign be ſtill kept on foot for better opportunities. Who knew whether the ill ſucceſs of the rebels in Ireland had not hindered the inſurrection of the Papiſts in England? whether the preſervation of the ſix members had not prevented that plot of the breaking the neck of the parliament, of which they had been informed from France? It ſhould be far from them to take ſuch advantage of

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Ann. 1642. itſelf, and to effect that by their own folly and credulity, which the power and ſubtilty of their enemies

his majeſty's ſuppoſed ſtreights, as to compel him to that which his honor or intereſt might render grievous to him; ſo they hoped he would not make his own underſtanding the rule of his government, but would ſuffer himſelf to be aſſiſted with a wiſe and prudent council, that might deal faithfully between him and his people; and that he would conſider that his reſolutions did concern kingdoms, and therefore ought not to be moulded by his own opinion.

Clarendon tells us, That an inſtrument was drawn up at York, in which was ſet down an account of tumults and violences offered to particular perſons; of parliamentary concluſions being carried in an irregular manner; of Mr. Hollis coming to the bar of the upper houſe, and demanding the names of thoſe lords who refuſed to conſent to the militia, when the multitude menaced and threatened all thoſe diſſenters: that it was by ſuch methods, which frighted away many members of both houſes, that all thoſe reſolutions and declarations had paſſed which had occaſioned the preſent diſtractions. To this inſtrument the King perſuaded the peers in council to ſet their names; but the circumſtances related in it being either entirely falſe, or highly exaggerated, he was the next day earneſtly importuned not to publiſh it; many lords telling him, That if he would publiſh it, they would diſavow the contents. "This, ſays Clarendon, is a ſufficient inſtance how unendued men were with that ſpirit and courage which was requiſite."

The ſeveral depoſitions which at different times were taken on the ſubject of the army-plot, were with this declaration publiſhed, the parliament alledging it to be a neceſſary means for the juſt defence of their innocence againſt the ſcandal of having laid a falſe imputation on the King. In theſe examinations Goring depoſed, That Sir John Suckling, the poet, told him there was a deſign to bring the army to London; that the earl of Newcaſtle was to be general, and he, Goring, lieutenant-general; that he was deſired by Mr. Jermyn, to give him the meeting in the evening, at court; that he was carried into the queen's bed-chamber; that he was introduced by the queen to the King, who commanded him to join himſelf with Piercy, and others, who were engaged in a cabal to bring up the army; that the King alleged he had a deſire to put his army into a good poſture, and that lord Briſtol had adviſed him to do it; that, on the meeting with the cabal, Piercy read certain

could not attain: They warned the people againſt the Ann. 1642. inſinuations of the malignant party, ſtirring them up

certain propoſitions, which were aſſented to by the company; that there came into conſideration the bringing up the army immediately to London, and the making ſure of the Tower. Piercy, in his letter to the earl of Northumberland, confeſſed that the army was to ſtand by the King in his denial of ſome acts, that were expected to be preſſed upon him by the parliament; but that he had refuſed entering into a way ſo high and ſharp, as was propoſed to him by the King: That himſelf and party diſagreed with that ſet of men, who, by the King's orders, had been joined in their cabal, on account of their violence, and the height to which they would have carried things. Captain Chudleigh depoſed, That he told the army, from the King, that if they would be faithful to him, he would pawn his jewels rather than they ſhould be unpaid: That himſelf was told, by major Willis, that the army was to be joined by the French about London, and that a thouſand men were to be raiſed for their aſſiſtance, at the expence of the clergy: That the prince was to be carried to the army, to confirm their affections; and that the earl of Newcaſtle was to be general: That the deponent being at Portſmouth, colonel Goring ſhewed him the ſtrength of the place; that the queen meant to come down thither for her ſafety, and that ſhe had given him money to fortify it. Lieutenant-colonel Ballard depoſed, That Chudleigh propoſed to him, and divers other officers, certain propoſitions, which he ſaid came from the King, viz. That neither Sir Jacob Aſhley nor Sir John Conyers were to be acquainted with the deſign: That the prince and the earl of Newcaſtle were to meet the army with 1000 horſe, and all the French that were in London. Captain Legge depoſed, That there was a petition propoſed to be delivered to the parliament, which was burnt on the parliament's getting knowledge of the cabal: That he received another petition from the King, which was to be ſhewn to Sir Jacob Aſhley, the King ſaying, That that petition would not offend. Sir Jacob Aſhley depoſed, That he received a petition from captain Legge, to which he was deſired to get the officers of the army to ſet their hands: That he told O'Neal the difficulty of compaſſing what was propoſed; that they muſt firſt fight the Scots, and beat them, then ſpoil the country all the way to London; that when they came there, the parliament might make reſiſtance, and the Scots rally and follow them: That O'Neal propoſed

Ann. 1642. to act their own deſtructions, under plauſible notions of preſerving the King's prerogative, maintaining the diſcipline of the church, upholding and continuing the reverence and ſolemnity of God's ſervice, and encouraging learning; on which grounds divers mu-

to attempt to make the Scots neutral, but that the examinant replied, The Scots would lay by the heels any one that ſhould make ſuch a propoſal to them. He farther depoſed, That at the end of the petition was a direction to this effect: "William Legge, I command you, that you ſhew this to none but Jacob Aſhley:" That above this direction was ſet the two letters "C. R." Sir John Conyers depoſed, That O'Neal uſed ſeveral perſuaſions to him to adhere to the King, and to go thoſe ways the King would have him, otherwiſe he would be left alone and ruin himſelf; for that all the troops under him were that way inclined: That he and Sir Jacob Aſhley were both very much troubled at the paper, containing directions for a declaration, to be ſubſcribed by the officers of the army, that was brought to Sir Jacob Aſhley. Sir John Conyers farther depoſed, That he abſolutely refuſed to aſſent to O'Neal's propoſals, and that Sir Jacob Aſhley told him, that O'Neal was to go to Newcaſtle. Sir Fulk Huncks depoſed, That O'Neal perſuaded him to take part with the King, and put the troops in motion: That he offered him a paper, which he refuſed to ſign, and told him he had good authority for what he did, and that he was to go to the Scots army. By theſe depoſitions it appears, that there were two different petitions which had been propoſed to the army, but that neither of them had met with ſucceſs; and that petition which was publiſhed at this time by the King, and is to be met with in Clarendon's Hiſtory, could not be the model of the true petition, ſigned C. R. theſe depoſitions mentioning other particulars in the original than are to be found in this copy.

"Your majeſty, ſays the parliament, in another declaration, will ſee juſt cauſe of joining with us in preſerving and ſecuring the peace of the kingdom, in ſuppreſſing this wicked and malignant party, who, by falſe colours and pretenſions of maintaining your majeſty's prerogative againſt the parliament, wherein they fully agree with the rebels of Ireland, have been the cauſes of all our diſtempers and dangers." *Huſbands' Collections*, 4to Ed. p. 215, *& ſeq.* *Parl. Hiſt.* vol. X. p. 492.

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tinous petitions had been framed in London and elſe- Ann. 1642.
where *. "They deſired nothing more, they ſaid, than

* One George Benyon was impeached by the Commons for having procured a petition to be ſigned by ſeveral citizens of London againſt the ordinance of militia taking place in that city. The King's party not being very ſtrong in this metropolis, Benyon's petition was encountered by another entirely agreeable to the deſigns of parliament, ſigned by many thouſand hands. A prerogative ſcheme of a more formidable nature was about the ſame period hatched in Kent. Sir Edward Deering, Sir George Twiſden, Sir George Strode, and one Spencer, had been very active in the procuring a petition to be ſigned by the gentlemen of Kent, and others, at the county aſſize held at Maidſtone, for the continuance of biſhops, the liturgy, and common-prayer: That an uniformity to theſe might be enforced by coercive power: That the people ſhould not be bound by the orders of either houſe of parliament: That no order for militia ſhould take place without the King's aſſent: That the parliament would apply themſelves to his majeſty's meſſage of the twentieth of January: That they would eſtabliſh the civil law: That they would ſpeedily relieve their brethren in Ireland: That they would eſtabliſh the privilege of parliament and the King's regal power. This petition was burnt by the hands of the common hangman. The earl of Briſtol, who had ſhewn repeated ſymptoms of diſaffection to the cauſe of Liberty, was on this occaſion impriſoned; and judge Mallet, who had not only countenanced the petition, but refuſed to read papers given him by ſome members of the Commons' houſe in behalf of the ordinance of the militia, was taken off his bench by a troop of horſe, and carried priſoner to Weſtminſter; as were likewiſe other active agents, who were all afterwards impeached by the Commons. Sir Edward Deering had been expelled the lower houſe, and confined to the Tower, for printing ſpeeches againſt the conduct of parliament. His reſentment occaſioned him to be very buſy in the matter of this petition: he had raiſed ſo great a flame in Kent, that, notwithſtanding the ſentence paſſed by the parliament, a great multitude of gentlemen aſſembled at Blackheath, and ſent up the petition by ſome of the party. On the alarm of this rout, ſtrong guards were placed on London-bridge, where the petitioners were diſarmed, and a few of them ſuffered to paſs with their petition to Weſtminſter. The ring-leaders were committed to the Gate-houſe, but the younger

Ann. 1642. to maintain the purity and power of religion, encourage piety and learning, and to honour the King in all his juſt prerogatives: Many bills and propoſitions for the King's profit and honor, and the people's ſafety and proſperity, they had prepared, but were hindered in the proceeding on them by the King's abſence, altogether contrary to the uſe of his predeceſſors and the privilege of parliament. They did not doubt but they ſhould overcome all at the laſt, if the people were not drawn to deſert them, who had been willing to hazard their own undoing rather than that they ſhould be betrayed, by neglecting the truſt repoſed in them; but if it were poſſible their enemies ſhould prevail ſo far as to compaſs this, they would not fail ſtill to perſiſt in their duties, and to look beyond their own lives, eſtates, and advantages, as men that thought

part of the company only received a kind admonition from the Commons, who at the ſame time told them, they hoped they would hereafter prove good members of the Commonwealth. George Benyon was ſentenced by the Lords to be disfranchiſed the city of London, to be incapable of bearing office, to be fined 3000l. to be impriſoned in the caſtle of Colcheſter for two years, and after that time to find ſuch ſureties for his good behaviour as the houſe ſhould think fit. To ſatisfy thoſe who were well affected to the power of the parliament, but were much attached to religious forms, the two houſes paſſed an order declaring, That they intended a due and neceſſary reformation of the government and liturgy of the church, and to take away nothing in one or the other but ſhould be evil, and juſtly offenſive, or at leaſt unneceſſary and burthenſome; and for the better effecting ſuch reformation, ſpeedily to have conſultation with godly and learned divines: likewiſe to eſtabliſh learned and preaching miniſters, with good ſufficient maintenance, throughout the kingdom. *Parl. Hiſt.* vol. X. p. 390, *& ſeq.* 420, *& ſeq.* 458, *& ſeq.* 476, *& ſeq.* *Journals of the Commons*, vol. II. p. 519. *Clar. Hiſt.*

nothing

nothing worth enjoying without the liberty, peace, and Ann. 1642.
ſafety of the kingdom, nor any thing too good to be hazarded in diſcharge of their conſcience."

If the parliament, impelled by the neceſſity of the times, and encouraged by the affections of the people, aſſented to an authority hitherto unaſſumed by their predeceſſors, ſo the King, in his reply to their late declaration, laid claim to a prerogative which, if allowed, muſt render parliaments as uſeleſs a check to the will of the monarch as a council of ſtate; viz. That the votes and reſolutions of both houſes had no authority without his conſent *. He affected a great regard for

* He argued, and in this pretenſion was better ſupported by the principles of the conſtitution, That the Lords and Commons miſapplied the word parliament when they confined it to their own votes and reſolutions, he being an eſſential part of what was underſtood by that phraſe. The King and his party, before theſe times of humiliation, denied that the parliament had any thing to do with the government of the country, or that the crown was any part of the parliament; aſſerting, that it had a ſovereignty over the three eſtates, which conſiſted of the Lords ſpiritual, the Lords temporal, and the Commons. It may be worth obſerving, that, in the reign of Edward IV. the lord chancellor, in full parliament, and in preſence of the King, in a ſtudied oration declared, That the three eſtates did comprehend the governance of the land, including the king as chief, the ſecond to the lords ſpiritual and temporal, and the third to the Commons. That the King was one of the eſtates that conſtituted the legiſlature was not denied by the two houſes of parliament; their higheſt acts of authority were exerted under the guiſe of being the ſole interpreters of enacted laws, and on the ſuppoſition of threatened imminent danger to the public: that if the King, in this caſe, ſhould refuſe his aſſiſtance, or ſhould place himſelf at the head of a faction to conſpire its ruin, that there lay a dormant truſt deputed by the abſolute power of the people to their repreſentatives to ſave the Commonwealth from damage. The neceſſity of

ſuch

Ann. 1642. the parliament, and at the ſame time proclaimed their acts to be treaſonable under the following diſtinction, That the councils of that aſſembly were determined by a few ſchiſmatical, factious, and ambitious men, whom he alone pretended to oppoſe, and in whoſe overthrow he darkly hinted at the reſtoration of the old tyranny, under the ſpecious phraſe, "of regaining to the people their religion, laws, and liberty." To ſhew that he had not yet given over the proſecution of thoſe who firſt ventured to oppoſe his evil adminiſtration, and to retract his confeſſion that he had violated the privilege of parliament, he declared, that he reſolved upon the accuſation of the ſix members on ſuch grounds as would ſatisfy the world, that it was fit for his own ſafety and honour, and the peace of the kingdom, to proceed againſt them. In ſending a ſerjeant to the houſe of Commons to demand them, he had uſed more ceremony than he then conceived in juſtice

ſuch a truſt is too obvious to diſpute the rationality of its ſuppoſition; nor did the Commons want precedents whereon to ground their pretenſions. When Richard II. to avoid complying with the peremptory demands of the other two eſtates of parliament, diſ-united himſelf from their councils, in the ſame manner as Charles had done, they ſent him a very peremptory meſſage to the following purport: That the parliament had an ancient conſtitution, which had been not many ages before experimented, That if the King, by evil counſel, or by obſtinacy and contempt of his people, would alienate himſelf from them in parliament aſſembled, and refuſe to govern by the laws and ſtatutes of the realm according to their advice, but would ſtubbornly exerciſe his regal power by his own arbitrary and wild counſels; that then his parliament might declare the throne vacant, and fill the ſame with ſome other prince of the royal progeny.

might

might be required of him*: he had known members of either houſe committed without ſo much formality as he had uſed, and upon crimes of a far inferior nature to thoſe he had ſuggeſted. In the latter end of the King's declaration he aſſumed a high and threatening ſtyle: He called the prevailing party in the two houſes of parliament, impudent, malicious men: by the help of God, and the law he would have juſtice for the London tumults; of ſeditious pamphlets and preachers, divers whereof had been recommended, if not impoſed upon ſeveral pariſhes by ſome members of both houſes, he would hereafter take a further account. He had, and ſhould always give as much eſtimation and regard to the advice and council of both houſes of parliament, as ever prince had done; but he ſhould never, and he hoped his people would never account the contrivance of a few factious ſeditious perſons, a malignant party who would ſacrifice the Commonwealth to their own fury and ambition, the wiſdom of parliament. They would have his majeſty remember that his reſolutions did concern kingdoms, and therefore not to be moulded by his own under- Ann. 1642.

* Notwithſtanding the civil meſſage which on this injurious occaſion he received from the Commons, the King aſſerted, that they ſent him no anſwer, and animadverted on their order of reſiſtance in the following manner: It was the firſt time he heard the proteſtation might be wreſted to ſuch a ſenſe, or that in any caſe, though of the moſt undoubted and unqueſtionable privilege, it might be lawful for any perſon to reſiſt and uſe violence againſt a public miniſter of juſtice, armed with lawful authority; though his majeſty well knew, that even ſuch a miniſter might be puniſhed for executing ſuch authority. Charles, on all occaſions, ſhewed his ignorance of conſtitutional authority, which can no longer be lawful when exerted illegally.

ſtanding:

Ann. 1642. ſtanding. He did well remember it; but he would have them remember, that when their conſultations endeavoured to leſſen the office and dignity of a King, they meddled with that which was not within their determination, and of which his majeſty muſt give an account to God and to his other kingdoms, and muſt maintain with the ſacrifice of his life *.

Littleton leaves the parliament, and carries the great ſeal to the King.

THE manner in which the King addreſſed the parliament, varied according to that different tone of mind which circumſtances favorable or unfavorable produced. He had at this time, by the changeable temper of the lord-keeper, got the poſſeſſion of the great-ſeal, an advantage which by his own party was regarded as important, and was the more reſented by the popular faction, becauſe they looked upon Littleton as tied to them by the ſtrong bonds of intereſt and inclination. His introduction into active life had been graced with a ſeeming zeal for the cauſe of Liberty; and whilſt his actions were directed by this line of rectitude, he made ſo conſiderable a figure, that the court thought him a proſelyte worth gaining at any price. Littleton's virtue was not of a temper to reſiſt the temptation of preferment: in the meridian of his character, he proſtituted himſelf to the ends of power for the office of ſolicitor-general †; the King expecting to receive

* With this declaration the King publiſhed a paper which he called, The True Petition of the Army, and is to be found in Clarendon.

† Clarendon ſays, that this office was much to his honour, but not to his profit; the obligation of attendance depriving him of much benefit he uſed to acquire by his practice. *Clar. Hiſt.* vol. I. p. 443.

great

Ann. 1642. great aſſiſtance from his abilities in putting a plauſible colour on his aſſumed right of arbitrary taxation. The advantage he gained by Littleton's defection was not of that importance. New champions aroſe in defence of law: the right of impoſing for ſhips was diſputed by Mr. St. John and Mr. Holborn in a manner that left no room to doubt of the illegality of the pretenſion; whilſt the ſolicitor-general in this bad cauſe ſhewed himſelf ſo indifferent a logician, that his arguments ſerved but to complete the triumph of his antagoniſts, and left to the King no other victory than that of prevailing on the weakneſs of humanity, and depriving his country of the talents of an ingenious man. On the death of the lord-keeper Coventry, Finch was preferred to the ſeals, and Littleton was made chief-juſtice of the Common Pleas. His behaviour whilſt in theſe offices, was ſuch as to procure him ſo much of the favour of archbiſhop Laud and the earl of Strafford, that they eſpecially recommended him to the King, as a perſon who would be uſeful at the council-table, where, as Clarendon obſerves, he kept up his good name in a manner, that, on the lord Finch's flying the kingdom, he was thought by the King to be the fitteſt perſon to whom he could entruſt the ſeals; and on the earneſt deſire of the earl of Strafford was created a baron; that delinquent expecting, that by his reputation of deep knowledge in law, he would have a powerful influence on the proceedings of the peers. This was a fond hope. Littleton, as he had once deceived his country from views of profit, ſo he now deceived his patrons on motives of inclination: he not only neglected to make any intereſt in favor

Ann. 1642. of Strafford, but obeyed the reſolution of the Commons in abſenting himſelf from his trial; and was ſo indefatigable in his endeavors to regain the confidence of the popular faction, that looking upon him as their entire creature, they treated him with much kindneſs and reſpect, whilſt he was ſlighted by his court friends as a perfidious renegade. On Littleton's voting for the legality of the parliament's ordinance for the militia, and accepting under their authority the lieutenancy of a county, the King, inflamed with reſentment, ſent to lord Falkland to demand of him the great ſeal. It not being yet determined in whoſe hands it was proper to commit it, in a conſultation on this ſubject between Falkland, Colepeper, and Hyde, the ſubtle lawyer, who had before tampered with the ductile diſpoſition of Littleton, repreſented, That a great clamour would enſue if the ſeal was one hour out of the hands of a conſtitutional officer: that were it to be tendered to any one who ſhould reject it, it would be yet more prejudicial to the King: beſides, if Littleton cared not for offending his majeſty, he would refuſe to deliver it; and in this refuſal he would be juſtified, rewarded, and cheriſhed by the parliament. He then propoſed that the King ſhould be adviſed to ſuſpend his reſolution, and write kindly to the keeper to bring the ſeal to him, inſtead of ſending for the ſeal itſelf. Hyde's propoſal being aſſented to, he repaired to the lord-keeper, and by many artful inſinuations gained ſo much on him as to obtain the confirmation of a former promiſe, that whenever the King ſhould ſend for him he would follow his meſſenger to York. Matters being thus agreed, in ſome few days following came poſt from

from York one Elliot, a boiſterous young man, who had Ann. 1642.
a long time followed the court in hopes of gaining an employment in the bed-chamber *. He accoſted the

* The following is the copy of a letter written by Elliot to lord Digby, intercepted and publiſhed by the parliament.

" My Lord,

" You have ever been ſo ready to oblige, that I cannot deſpair of your favor in a buſineſs where I am much concerned. The King was pleaſed to employ me to London to my lord-keeper for the ſeals, which though after two hours conſideration he refuſed, yet being reſolved not to be denied, my importunity at laſt prevailed; which ſervice the King hath declared was ſo great, that he hath promiſed a reward equal to it. It may be the King expects I ſhould move him for ſome place, which I ſhall not do, being reſolved never to have any but by the queen, being already ſo infinitely obliged to her for her favor, that I confeſs I would owe my being only to her; nor ſhall I ever value that life I hold but as a debt which I ſhall ever pay to her command. The favor which I deſire from your lordſhip is, that you will engage the queen to write to the King, that he would make me a groom of his bed-chamber; which ſince I know is ſo abſolutely in her power, I ſhall never think of another way; for which favor neither her majeſty nor your lordſhip ſhall ever find a more real ſervant. For our affairs, they are now in ſo good a condition, that if we are not undone by hearkening to an accommodation, there is nothing elſe can hurt us, which I fear the King is too much inclined to; but I hope what he ſhall receive from the queen will make him ſo reſolved, that nothing but a ſatisfaction equal to the injuries he hath received, will make him quit the advantage he now hath; which I do not doubt will be the means of bringing your lordſhip quickly hither."

At the ſame time was publiſhed another intercepted letter from the lord Digby to the queen. He congratulates her in being withdrawn from a country ſo unworthy of her, on his arrival in Holland, wherein he deſires to be admitted to her preſence, notwithſtanding a report that the parliament had intreated her not to have any further intercourſe with him: The ground of their malevolence, he tells her, is ſome letters they had preſumed to open, which he had written to her majeſty; notwithſtanding, he is certain he had not communicated any thing that

Ann. 1642. keeper with much bluntneſs, and demanded the ſeal; at the ſame time putting into his hands a letter from the King, ſignifying that if his indiſpoſition * would not permit him to make as much haſte as the occaſion required, to deliver the ſeal to the bearer, and to follow at his leiſure. Littleton, ſurpriſed and angry at the brutal manner of Elliot, and thinking him, by reaſon of his youth an improper perſon to be truſted with a ſecret of ſuch importance, anſwered briſkly, That he would not deliver it into other hands than the King's; but afterwards recollecting that he had now gone too far to recede, he obeyed the directions of the letter, and followed the ſeal with ſo much expedition, that he arrived at York at the end of three days †; but met not with the reception he had been taught to expect. Charles was of an unforgiving diſpoſition, and beſides, Elliot had boaſted that to his courage alone the King owed the poſſeſſion of the ſeal, he having raviſhed it from the keeper, in ſpight of his teeth. Thus, by a deſpicable weakneſs of temper, did this doating old man loſe the eſteem of all parties; and, quitting thoſe real advantages he

could be wreſted to an ill ſenſe by his greateſt enemies; he had not mentioned buſineſs to her ſince he left England. To the King he confeſſed he had written with that hardineſs which he thought his affairs and complexion required, but that was ſent by ſo ſafe a hand, that he could not apprehend the miſcarriage. Thus by theſe incendiaries was the imagination of this weak woman, the chief inſtrument to work effectually on the follies, prejudices, and vices of her huſband, fed with hopes of power and conqueſt, to the ſtirring up of all thoſe bloody miſchiefs which in the end proved ſo fatal to the deluded Charles. *Huſbands' Collections*, 8vo. Ed. p. 486, *& ſeq.*

* He was now advanced in life, and ſubject to the gravel.

† He travelled on horſeback.

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enjoyed by the parliament, ſought, by a ſecond breach Ann. 1642.
of truſt *, the ſmiles of a maſter he had offended, and whoſe haughty diſpoſition prevented his treating with complacency his moſt avowed creatures †. Littleton

* The popular faction, depending on their intereſt with Littleton, neglected to execute a neceſſary caution which had been propoſed in a conſultation, viz. Whether, in regard the keeper might be ſent for by the King, or that the ſeal might be taken from him, it would not be right to appoint it to be kept in a ſecure place, to be delivered to the keeper for the execution of his office? *Clar. Hiſt.* vol. I. p. 445.

† Clarendon, in his own Life, tells us, That Littleton was very ill treated at York, by thoſe lords, the creatures of the court, whom he had offended by his former conduct; that the King countenanced this behaviour, ſuffering Elliot's extravagant diſcourſes to gain credit, without reprehenſion or vindication; that he never truſted the keeper with the great ſeal, nor permitted him to uſe it, but in his preſence; that this conduct occaſioned a great melancholy in the keeper; that, on his making demurs, objections, and delays, againſt putting the ſeal to one of the King's proclamations, the King would have turned him out of his office; that Mr. Hyde, afterwards earl of Clarendon, who owns that his objections were often reaſonable, interpoſed in his favor, having drawn him into the ſnare; telling the King, that by ſeverity to the keeper he would diſcourage others who deſired to ſerve him faithfully; that the King proteſted, that if it was not for Mr. Hyde's ſake, he would turn the keeper out of his place; that he enlarged upon his fear of diſobliging the parliament; and recommended to Mr. Hyde to give him good counſel. This Mr. Hyde tells us he did ſo effectually, by preparing him by diſcourſe, when any thing was to be done that adminiſtered any argument for doubt, that is, when any thing was to be done which he would think contrary to law, that there was never after any unkindneſs of the King towards him. The ſame author, however, in his character of thoſe privy-counſellors who attended the King at Oxford, tells us, That Littleton's parts, which in the profeſſion of the law were very good, were not applicable to the buſineſs now in hand. This is a favourable teſtimony of this unhappy man's conduct, after his leaving the parliament, and reſiding at Oxford. *Clarendon's Life*, vol. I. p. 120. *Clar. Hiſt.* vol. II. p. 151.

having

Ann. 1642. having begun his journey on the Saturday, and the parliament not meeting till Monday *, it was more than two days before his defection and flight was known †.

THE accident of losing the great seal occasioned much trouble and distraction in the upper house: the earl of Northumberland moved, That a committee might be appointed to consider how there might be an accommodation between the King and his people. This dejection was but momentary; the house of Commons treating the incident as a trifling one, the peers re-assumed courage. A warrant was issued for apprehending the keeper, and, according to the King's repeated invitation, that the parliament would digest into one body all their demands, the following nineteen propo-

The parliament send nineteen propositions to the King.

* Littleton, after his apostacy, was mean enough to write, by the King's direction, a letter to the lord Willoughby of Parham, disavowing the having given his vote for the ordinance of the militia. The Lords ordered the journals of their house to be searched, to ascertain the truth of the matter; and, to the eternal infamy of the keeper, it was found that he had not only given his vote for the ordinance, but had accepted of a lieutenancy, named his deputies, and agreed to the several forms of deputation. These particulars, signed by the clerk, were sent to lord Willoughby, who had, in a letter to the King, quoted the authority of Littleton; and afterwards were printed and published. Not only Littleton the chancellor, but Banks the chief-justice of the Common-Pleas, a lawyer noted for his base compliance with the measures of the court, and for the extraordinary arguments he urged in defence of the King's right of imposing the tax of ship-money, voted for the parliamentary ordinance of militia. The earl of Essex was put into the lieutenancy of the county of Salop, in Littleton's place. *Parl. Hist.* vol. XI. p. 199.

† The house of peers, by his management, had been adjourned till a later hour than usual.

sitions,

sitions, containing those particulars which were thought Ann. 1642.
necessary restraints on the royal power, were now offered to him: That the members of the privy-council, and the officers of state, should be approved by the two houses, or by the council, in the interval of parliament; and that privy-counsellors should take an oath for the due execution of their office, the form to be agreed on by parliament: That public acts should be done by the consent of the major part of the council, attested under their hands: That the number of the council should be limited to fifteen, or five-and-twenty at most: That those who were entrusted with the government of the King's children should be approved by both houses, or, in the interval of parliament, by the council: That no marriage should be concluded or treated for the King's children, but by consent of parliament *: That the laws against Jesuits, priests, and popish recusants, should be strictly put in execution, without any toleration or dispensation; and that a more effectual course should be enacted, to disable them from making disturbance in the state: That the votes of popish lords should be taken away; and that a law should be enacted for educating the children of Papists in the Protestant religion: That the King would consent to such a reformation of the worship and government of the church, as both houses of parliament, with the assistance of divines, should advise: That he would rest satisfied with the ordinance of the militia, until

* They had experienced very ill consequences from the capricious alliances the crown had made with popish princes, and they had no hope of getting rid of these but by restraining the royal choice.

the

Ann. 1642. the ſame ſhould be farther ſettled by bill: That members of parliament, who had been deprived of their offices this ſeſſions, ſhould be reſtored, on the petition of both houſes: That privy-counſellors and judges ſhould take an oath for maintaining the petition of right, and other ſtatutes made this parliament: That the officers of ſtate and judges ſhould hold their places *quamdiu ſe bene geſſerint*: That the juſtice of the parliament ſhould paſs upon all delinquents: That the general pardon offered by the King ſhould be granted, with ſuch exceptions as ſhould be offered by the two houſes: That the forts and caſtles of the kingdom ſhould be put under the cuſtody of perſons approved by parliament, or, in the interval of parliament, by the council: That the King's levies ſhould be diſbanded: That he would enter into a more ſtrict alliance with the ſtates of the United Provinces, and other Proteſtant princes, againſt the pope and his adherents, and for the recovery of the Palatinate: That the ſix members ſhould be cleared by act of parliament †: That no

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The propoſitions mentioned in the text, and others, in which ſeveral particulars were to be removed from the perſons of the King and queen; the queen, to take an oath in the preſence of both houſes, that ſhe would not intermeddle concerning the diſpoſal of places, or in any of the affairs of ſtate and government; none of the King's children to go beyond the ſeas, without the conſent of parliament; no popiſh ſervice to be ſaid in the courts of the King, queen, or prince; nor any of their ſervants permitted to be preſent at maſs, under the penalty of loſs of office; that thoſe members of the lower houſe accuſed of offences againſt that houſe, who had been made peers this preſent parliament ſhould, by act of parliament, be put out of the upper houſe; and that all the members of the houſe of Commons who had this parliament been made peers, ſhould be excluded from giving their votes, unleſs both houſes ſhould give their aſſent; that the King would make a public declaration that, according to law, he would not receive any private information or ſuggeſtion againſt any members of parliament, for things done in parliament; and that he would diſcover the names of thoſe who had adviſed him in the buſineſs of proſecuting the ſix members; had been long under the conſideration of both houſes. The crude materials, afterwards digeſted into thoſe nineteen propoſitions, that were preſented to the King, were furniſhed by the joint committee of Lords and Commons, appointed to ſit at Grocer's-Hall, during the adjournment of parliament, which immediately preceded the King's coming to the lower houſe to demand the ſix members. *Parl. Hiſt.* vol. X. p. 403. *et ſeq.* *Clar. Hiſt.* vol. I. p. 309.

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Ann. 1642. late the King's preſent revenue, to encreaſe it beyond the proportion of any former grants to the crown, and to put the town of Hull into ſuch hands as the King ſhould appoint.

It muſt be allowed, that theſe propoſitions new-modelled the conſtitution, infuſing in it ſo much of the ſpirit of a republic, that they deprived the monarch of every prerogative noxious to good government; nor could they be ſaid to ſecure to the people a full and permanent enjoyment of liberty, without additions relative to the ſtrengthening and confirming the democratical power in a manner that ſhould prevent oligarchy or ariſtocracy from eſtabliſhing itſelf on the ruins of monarchy: but as the management of public affairs was now in the hands of wiſe and virtuous men, it is to be ſuppoſed, that theſe important points would have been attended to, if Charles, on the forementioned grounds, had entered into treaty. He was not of a diſpoſition to conſent, in his preſent circumſtances, to ſuch an abridgement of regal privilege: "Should I grant theſe demands, ſaid he, in his reply, I may be waited on bare-headed, I may have my hand kiſſed, the title of majeſty continued to me, and the King's authority, ſignified by both houſes of parliament, be ſtill the ſtyle of your commands; I may have ſwords and maces carried before me, and pleaſe myſelf with the ſight of a crown and ſceptre; but even theſe twigs would not long flouriſh when the ſtock on which they grew was dead; but as to true and real power, I ſhould remain but the outſide, but the picture, but the ſign of a King." He told the parliament, that if they had unſeaſonably vented their propoſitions, their hopes would

The King rejects the parliament's propoſitions.

Huſbands's Collections, 4to ed. p. 311, & ſeq.

would ſoon have been blaſted: to bring their deſigns to this ripeneſs, they had removed a troubleſome rub in their way, the law*; they had erected an upſtart authority without him; they had prepared and directed to the people unprecedented invectives againſt his government, to weaken his authority and due eſteem among them †; they had injuriouſly and preſumptuouſly, though he conceived impudence itſelf was aſhamed of it, attempted to caſt on him aſperſions of favoring a rebellion in his own bowels; they had broached new doctrines, that he was obliged to paſs all laws that ſhould be offered to him by both houſes ‡; they had Ann. 1642.

* Could they have done this if the law, by an abuſe of power, had not been found a grievance?

† If thoſe invectives had contained falſhoods, they would only have been prejudicial to their authors; if truths, there was no eſteem due.

‡ In one of the voluminous declarations on the buſineſs of Hull, the parliament aſſerted, That the kings of this realm ſtood engaged by the oath that they did, or ought to take at their coronation, as well to confirm ſuch laws as the people ſhould chooſe, and to remedy by law ſuch inconveniencies as the people might ſuffer, as to keep and protect the laws already in being: this, they ſaid, appeared by the form of the oath upon record, and in books of good authority, and by the following clauſe in the ſtatute of 25 Ed. III. entitled, The Statute of Proviſors of Benefices. "Whereupon the ſaid Commons have prayed our lord the King, that ſince the right of the crown of England, and the law of the ſaid realm, is ſuch, that upon the miſchiefs and damages that happen to his realm, he ought, with the accord of his people in parliament, thereof to make remedy and law, &c." The King, notwithſtanding the authority of this clauſe, denied the right of the claim, by a verbal criticiſm on the tenſe of the Latin verb *eligerit*, ſignifying *hath choſen*, as well as *ſhall chooſe*; and peremptorily inſiſted, that he had an abſolute option, to paſs, or not to paſs, any bill tendered by parliament, without giving any reaſon for his refuſal. Much may be ſaid in defence of either of theſe contradictory claims. Certain it is,

Ann. 1642. interpreted his neceſſary guard legally aſſembled for his defence, againſt a traitor in open rebellion againſt him, to be with intent to levy war againſt his parliament, a thought his ſoul abhorred, thereby to render him odious to his people *. They had awed his good

if the King, conceiving any ſuch bill prejudicial to himſelf, or inconvenient to the public, hath a right to make uſe of his negative voice, ſo have the parliament, who are more immediately truſted by the people, a right to exert the whole power veſted in them by the conſtitution to force the royal aſſent to any bill they think conducive to public utility. The reſolution, That the King was bound by his oath to paſs ſuch bills as ſhould be preſented to him by both houſes of parliament, for the good of the kingdom, paſſed by a majority of 103 againſt 61. *Parl. Hiſt.* vol. XI. p. 149.

* Notwithſtanding this ſtrong aſſeveration, beſides the undeniable teſtimony of the King's warlike preparations, his hiſtorian Clarendon, with a variety of contradictory aſſertions, owns the intent of levying war to reſiſt the parliament, from the period of the King's abſenting himſelf from that aſſembly. After ſhewing that the intent of the King's journey northward was to ſecure Portſmouth and Hull, towns well ſituated for the receiving foreign ſupplies, he ſays, That when the King found, on his arrival at York, a great alacrity expreſſed for his ſervice, he was determined to treat the two houſes in another manner than he had done; and to have nothing extorted from him, but what he was well inclined to conſent to: That he omitted no opportunity to provide againſt the ſtorm he ſaw was coming, nor neglected the proviſion he thought moſt neceſſary for his defence: That the queen was as intent to do her part, and to provide, that ſo good company as ſhe heard was daily gathered together about the King, ſhould not be diſſolved for want of weapons to defend one another: That, with as much ſecrecy as could be uſed in thoſe caſes, and where ſhe had ſo many ſpies upon her, ſhe cauſed, by the ſale or pawning of her own and ſome of the crown-jewels, a good quantity of powder and arms to be in readineſs in Holland, againſt the time it ſhould be found neceſſary to tranſport them to his majeſty. After this plain confeſſion of what had been well proved to the parliament, the author, in a period of thirty-eight lines, makes the following extraordinary animadverſions:

ſubjects with purſuivants, heavy cenſures, and illegal impriſonments, that few of them durſt preſent their Ann. 1642.

madverſions: "It will be wondered at hereafter, that, in a judging and diſcerning ſtate, where men either had, or ſeemed to have, the faculty of their reaſon and underſtanding at the height, thoſe men who had the ſkill and cunning, out of froward and peeviſh humours and indiſpoſitions, to compound fears and jealouſies, and to animate and inflame thoſe fears and jealouſies into the moſt prodigious and boldeſt rebellion any age or country ever brought forth: I ſay, it may ſeem ſtrange that theſe men could entertain the hope and confidence to obtrude ſuch a declaration and vote upon the people, that the King did intend to make war againſt the parliament, when they were ſo far from apprehending that he would be able to get an army to diſturb them, that they were moſt aſſured he would not be able to get bread to maintain himſelf three months, without ſubmitting all his counſels to their conduct and controul; and that the offering to impoſe it did not awaken the people to an indignation which might have confounded them; for beſides their preſumption, in endeavoring to ſearch what the ſcripture itſelf told them was unſearchable, the heart of the King, the very law of the land, whoſe defence they pretended, makes no concluſion of the intention of the meaneſt ſubject, in a matter of the higheſt and tendereſt conſequence, even treaſon itſelf againſt the life of the King, without ſome overt, unlawful act, from whence, and other circumſtances, the ill intention may be ſeaſonably made appear, &c." In another place, the ſame hiſtorian ſays, That many did yet believe the King too long deferred his recourſe to arms; and that, if he had raiſed forces upon his firſt repulſe at Hull, his ſervice would have been very much advanced; and that the parliament would not have been able to have drawn an army together: but that the King had not, at that time, one barrel of powder, nor one muſquet, nor any other proviſion neceſſary for an army, and, which was worſe, was not ſure of any one port to which they could be ſecurely aſſigned; nor had he money for the ſupport of his own table for the term of one month: That he expected with impatience the arrival of all thoſe neceſſaries, by the care and activity of the queen, who was then in Holland, and who, by the ſale of her own as well as the crown jewels, and by the friendſhip of Henry prince of Orange, did all ſhe could to provide all that was neceſſary: That the King had newly directed her to ſend all to Newcaſtle;

Ann. 1642. enderneſs of his ſufferings, though in an humble petition, to both houſes; and if any did, it was ſtifled in the birth, and called ſedition *. "The perſon of the King, ſays Charles, hath been ſometimes unjuſtly depoſed; yet the regal power was never, before this time, ſtrucken at. Such who have been miſled by ill counſels to have any hand in the execution of the militia, will ſee to what end their ſervice is deſigned; and therefore, if they ſhall preſume hereafter to meddle in it, they muſt expect that we will immediately proceed againſt them as enemies to our ſovereign power." In this anſwer it is to be obſerved, that the King, inſtead of entering into the queſtion, Whether, as he had abuſed his power, and had been guilty of many breaches of faith, his word ought to be taken, that he would for the future govern according to the law of the land? entered into a deſcription of the nature of the Engliſh conſtitution, which he acknowledged to partake of monarchy, ariſtocracy, and democracy; that the regal power was relative and limited; that juriſdiction belonged to the Peers, and impeachment of evil miniſ-

Parl. Hiſt. vol XI. p. 162.

caſtle; and, in the mean time, both the King himſelf, and thoſe who knew the ſtate of his affairs, ſeemed to be without any thoughts of making war, and to hope that the parliament would, at laſt, encline to ſome accommodation: That, after the arrival of ammunition, all levies were haſtened with as much diſpatch as poſſible, the lords and council about the King, with ſeveral other perſons of quality, making a voluntary ſubſcription for the payment of ſo many horſe in three months. *Clar. Hiſt.* vol. I. p. 361, 415, *& ſeq.* 520, 522.

* Could the authority of parliament have done this, if the King's conduct had not deprived him of the affections of the major part of his people?

ters

ters to the Commons: he aſſerted, that the executive part of government was entirely truſted to the King; that he ſhould look on the advices of his parliament as advices which he was at full liberty to receive or reject, not as commands; upon them, as counſellors, not his tutors; and upon himſelf as their King, not as their pupil. Though this explication lowers the value of the former conceſſion, yet, upon the whole, the language of this reply is very different from what, by the King's direction, had been prated in the pulpit, and from what he had himſelf formerly uſed, when in the zenith of his power *; nor did his penman eſcape the cenſure of the party, who thought that the myſteries of ſtate were imprudently unveiled; and that theſe performances would be a laſting condemnation of the King's paſt conduct, and an obſtruction to his future government †. The King, not being yet able to put Ann. 1642.

* "I muſt let you know, ſaid he to the Commons, when they were preparing a charge againſt Buckingham, that I will not allow any of my ſervants to be queſtioned among you, much leſs ſuch as are of eminent ſtate and near unto me." He not only ſcreened ſome of his miniſters from condemnation, by diſſolving parliaments, but pardoned and promoted thoſe who had been condemned by parliament, telling thoſe aſſemblies, that they were to be, or not to be, at his pleaſure; that he would puniſh their members for what they had ſaid and done againſt adminiſtration.

† The earl of Clarendon, at this time Mr. Hyde, was the perſon generally employed in drawing the King's anſwers; but he tells us, That this, the moſt rational and the moſt maſterly one, was done by the lord Falkland and Sir John Colepeper; that though it was full to all particulars, and writ with very much wit and ſharpneſs, yet there were ſome particulars that himſelf, Mr. Hyde, liked not, as prejudicial to the King; that there was a miſtake, in point of right, in that part prepared by Sir John Colepeper, which declared the King, the houſe

of

Ann. 1642. himſelf in a poſture of offenſive war, by reaſon of the vigilance the parliament had uſed in ſecuring the magazines of arms and ammunition throughout the kingdom; and that the queen had not yet found an opportunity to tranſmit either money or arms from Holland *, endeavoured to quiet the minds of the people, which had been much agitated, on the opinion that he intended to levy war againſt the parliament. In a council of thoſe lords that were aſſembled at York, he profeſſed, before God, that he always had and did abhor ſuch deſigns; and deſired the nobility to declare, whether they had not been witneſs of his frequent and earneſt ſolicitations and profeſſions to that purpoſe? Whether they ſaw any colour of preparation, or councils, that might reaſonably beget a belief of any ſuch deſign?

The King diſavows the intention of levying war on the parliament.

of Peers, and houſe of Commons, made the three eſtates; that, for this reaſon, Mr. Hyde did not advance the printing it, but without communicating his reaſons to the King, for the ſake of lord Falkland and Sir John Colepeper, the King being extremely jealous that they had not a proper affection to the church. Sir John Colepeper, Clarendon ſays, was miſled by the infuſion of lawyers, and by declarations which many of the prelatical clergy frequently and ignorantly made, that the biſhops did not ſit in parliament as the repreſentatives of the clergy; and therefore could not be the third eſtate. The Hiſtory of Clarendon's Life, written by himſelf, ſhews that his prejudices and fond affections were very ſimilar to thoſe of the King's; and that they effectually co operated with his, not only to the preventing reforming abuſes, but to the entire overthrow of the civil conſtitution. *Clar. Life*, vol. I. p. 130.

* Clarendon ſays, that the queen found it difficult to tranſmit the money ſhe had procured, by reaſon of an order of parliament againſt whoever ſhould be an actor in the ſelling or pawning the crown-jewels, or whoever ſhould advance money on them, or bring any ſpecie into the kingdom ſo raiſed. *Clar. Hiſt.* vol. I. p. 497.

and

and whether they were not fully perſuaded, that he had Ann. 1642.
no ſuch intention; but that all his endeavors tended to the firm and conſtant ſettlement of the true Proteſtant religion, the juſt privileges of parliament, the liberty of the ſubject, and the law, peace, and proſperity of the kingdom *? The moſt ſolemn atteſtations of falſhood, under the ſanction of mental reſervation, was ſo common a part of the King's conduct, that notwithſtanding he conſtantly denied, with the ſtrongeſt aſſeverations, that he had made any preparations for war, the public were not at all ſurprized to find, by intelligence from Holland, that the queen, from her firſt arrival in this country, had been very buſy in her negociations for foreign aſſiſtance, and had been providing large ſums of money, and all kind of warlike ſtores, with the ſale of the crown-jewels †. The arrival of a ſmall veſſel loaded with arms and ammunition, which had very narrowly, by running itſelf into a narrow creek of the river Humber, eſcaped the vigilance of Warwic, tempted the King to declare his intentions.

Journals of Commons, vol. II. p. 623.

Having at length prevailed with the nobility at York to ſign a paper, whereby they engaged themſelves to defend his perſon, crown, and dignity againſt all perſons and power whatſoever, he iſſued out commiſſions

Meaſures of the King to put himſelf in a military poſture.

* Thirty-ſix Lords, and four Commoners, who were of the privy-council, ſigned their names to a paper, atteſting the truth of what the King had profeſſed in this prevaricating declaration.

† Amongſt theſe ſtores a mortar was bought for ſhooting of fire-balls of forty-eight pounds weight. The money raiſed upon theſe jewels was more than a hundred thouſand pounds. This was the ſecond time the King had pawned the crown-jewels.

Ann. 1642. of array *, at the ſame time declaring, that his intentions were not to make war againſt the parliament, but againſt a few malignant ſpirits, who he was determined to bring to juſtice †. This ſophiſtry was too

The King declares war on his oppoſers.

* Serjeant Wild was ſent up by the Commons, with an impeachment againſt Sir Richard Gurney, the preſent Lord-Mayor of London, a bigotted royaliſt: For publiſhing the King's illegal proclamation for the commiſſion of array: For procuring a petition to be ſent to the King, contrary to the ſenſe of parliament: For countenancing a riot: For refuſing to call a common-council, on the command of parliament. The following ſentence was paſſed on him by the Lords: To be deprived of his office: To be held incapable of office in the city, or receiving any farther honour: To be impriſoned in the Tower of London, during the pleaſure of the houſe. The Lord-Mayor had been impriſoned on his impeachment: this, by the fees that were exacted, was no light puniſhment. A petition of Sir John Conyers, lieutenant of the Tower, imported, That the Lords would pleaſe to ordain the Lord Mayor to pay for fees for his entrance, and for compoſition of furniture for his lodging, one hundred and forty pounds, and twenty-five pounds a week for his diet. Conyers demanded fees of the Lord-Mayor as an earl, and he refuſed to pay more than as a knight. Alderman Pennington, a ſtaunch friend to the parliament, was choſen Mayor on the deprivation of Gurney, who continued ſo obſtinate in oppoſition, as to refuſe to deliver up his ſword to any but the King. On his refuſal, the Lords ſent their gentleman-uſher to his houſe, to break open his locks, and poſſeſs himſelf of the ſword and other ornaments belonging to the office. He had been before ſummoned to attend the houſe, on his attempting to proclaim one of the King's proclamations againſt an ordinance of parliament: on his averring, that he was bound by his oath, to execute all writs from the King, he was told by the ſpeaker, in the name of the houſe, that he was not bound to execute any writ contrary to law, and required, on his peril, not to publiſh any thing of the kind before he had acquainted the parliament with it. *Parl. Hiſt.* vol. XI. p. 255. 267 *& ſeq.* 338. 369. 387.

† The King argued, That he was ſo eſſential a part of the parliament, that when he ſeparated himſelf from their councils, the two houſes loſt all the authority and reverence that was due to parliament. Was not this a claim that the power of diſſolving the parliament remained yet with

apparent to have its intended effect. The commiſſion Ann. 1642.
of array, an antiquated prerogative, rendered illegal by a clauſe in the late preſſing act *, was received with

with him, notwithſtanding the law paſſed againſt a diſſolution, without the conſent of parliament?

* Theſe commiſſions of array were what the King alluded to when, in his declaration relating to the militia, he ſaid, he did not doubt he could grant ſuch commiſſions as would legally enable thoſe he truſted to do all offices for the peace and quiet of the kingdom. The parliament alleged, That the King's commiſſion to compel men againſt their will to provide arms, to train and muſter, to be commanded out of their counties, and to be impriſoned at pleaſure, was contrary to the ſenſe of ſeveral acts of parliament, and expreſsly againſt the petition of right and the preamble of a ſtatute made this parliament, entitled, An act for the better raiſing and levying of ſoldiers for the preſent defence of the kingdoms of England and Ireland. The King, in a very voluminous declaration, endeavored to prove, that this right was inherent in the crown, and had never been curtailed by any ſtatutes, urging two very extraordinary arguments, in contradiction to what had been advanced by the Commons, viz. That tho' the arming a man's ſelf, or finding arms for another, could not be done without charge; yet that the clauſe in the ſtatute of the petition of right, ſetting forth that, by the laws of the realm, the ſubjects had inherited the freedom, that they ſhould not be compelled to contribute to any tax, talliage, aid, or other like charge, not ſet by common conſent in parliament, had nothing to do with the queſtion in diſpute; and for the ſtatute entitled, An act for the better raiſing and levying of ſoldiers, that the recital in the preamble of the ſtatute was not binding, though he had deſired that this ſtatute might paſs with a *ſalvo jure* for the King and people, on account of this very preamble. The King uſed an argument more plauſible for the neceſſity of the act, from the votes of parliament declaring, that the kingdom was in imminent danger of deſtruction, from enemies abroad and a diſcontented party at home; and that there was a neceſſity to put the people into a poſture of defence. This the parliament could have anſwered by declaring, that the true ſenſe of thoſe votes were, that the liberty of the kingdom was in danger; and that it was neceſſary for the ſubjects to arm in their own defence, under the authority of their proper repreſentatives: that this vote was thus ex-

Ann. 1642. much diſguſt; Mr. Selden, a man of the firſt reputation as a lawyer, having voted againſt it, as a thing without any authority of law, the ſtatute of Henry the Fourth on which it was grounded being repealed *. An important circumſtance of a fatal tendency, contributed to damp the hopes of the royaliſts. Notwithſtanding that the fleet, by the compliance of the earl of Northumberland to the requeſt of parliament, was now under the command of the earl of Warwic, a ſtaunch partizan to the popular cauſe; yet the King flattered himſelf, that the whole body of ſeamen were ſo much at his devotion †, and that he had ſo great an

plained by a following one, That the King, ſeduced by wicked counſel, intended to make war againſt his parliament. The parliament would not allow the poſtulatum from which the King deduced his argument, viz. That the kingdom could not be put into a poſture of defence, without the command of him the ſupreme governor. It is true, argued they, the King has nominally ſuch a prerogative; but then it is to be exerciſed according to the ſenſe and judgment of the parliament, who alone can give him ſufficient powers; and are the only judges of the ſtate of the neceſſity and the manner of the defence; and, if the King refuſes to execute their judgment, they are empowered by their truſt, as the Roman dictators were by a particular law of the people, to ſee that the Commonwealth receives no damage. This muſt be the fundamental law of the conſtitution, becauſe the conſtitution cannot exiſt without it; and there muſt be a latent power in every free government, to ſupport itſelf againſt the invaſions, oppoſitions, obſtinacy, or imbecility of the executive magiſtrate.

* The court, who thought Mr. Selden well affected to them, were ſo chagrined at the opinion he gave in parliament on this ſubject, that the lord Falkland writ an expoſtulatory letter to him, demanding of him the reaſon why, in the preſent conjuncture, whatever his opinion was, he would oppoſe the commiſſion of array. *Clar. Hiſt.* vol. I. p. 517.

† On the ſeamen offering their aſſiſtance to guard the committee and the ſix members, on their return to Weſtminſter, the King aſked, What he

intereſt with the officers of the navy, that they would Ann. 1642.
deſert from their admiral, on the leaſt intimation of his will.

The King endeavours in vain to get the command of the fleet.

Sir John Pennington was ſent to the Downs to ſuperſede the earl of Warwic, and to take on himſelf the command. Letters were accordingly diſpatched to the captains of the ſeveral ſhips, to obey the directions they ſhould receive from Pennington. But, to the King's great ſurprize and mortification, his mandate was rejected with contempt; and the whole fleet, the vice-admiral and four captains excepted, who by the courage of the ſeamen were immediately brought to *, chearfully ſubmitted to an ordinance of parliament, appointing the earl of Warwic lord high-admiral of England, in the room of the earl of Northumberland, who had reſigned his command on the King's diſmiſſion †.

he had done to offend thoſe water-rats? But, notwithſtanding this token of their inclinations to the parliament, he yet thought them ſo much his creatures, that they would have thrown the earl of Warwic over-board, if he ſhould have commanded them. Theſe flattering preſumptions are ſtrong marks in Charles's character. *Clarendon's Hiſtory*, vol. I. p. 523.

* The ſeamen ſhewed ſo much courage and activity on this occaſion, that, on the peremptory refuſal of two of theſe officers to come to, they ſurrounded their ſhips in open boats, without arms, entered them, ſtruck their yards and top-maſts, ſeized the captains, though armed with their piſtols and ſwords, and brought them priſoners to the admiral, who ſent them up to the parliament. *The Earl of Warwic's Letter to Mr. Pym. Parl. Hiſt.* vol. XI. p. 268, *&c ſeq.*

† Clarendon ſays, that this cataſtrophe was owing to the ill conduct and irreſolution of Pennington: but on this, as on other occaſions,

Ann. 1642. THROUGH an unpardonable neglect of the parliament, the earl of Newcaſtle, aſſiſted by the gentlemen of the county, had taken poſſeſſion of the town of Newcaſtle; and thus ſecured to the King a port to receive the ſupplies he expected from Holland. This incident recruited the ſpirits of the court. The earl of Lindſey, who had been a creature of the duke of Buckingham's, and whoſe conduct had been very ſuſpicious in the command of the expedition to relieve the ill-fated Rochellers, was appointed general of the King's army; his nephew, prince Rupert, brother to the Elector Palatine, was deſigned for the generalſhip of horſe*; Sir Jacob Aſhley was to be major-general of

ſions, he flatly contradicts himſelf, by advancing, firſt, that the parliament had garbled the navy according to their intereſt; and then alleging, that there were many gentlemen ſettled in the command of ſhips, whoſe fidelity and affection his majeſty was aſſured no ſuperior officer could corrupt; that captain Cartwright, a ſtaunch friend to royalty, the comptroller of the navy, had been prevented from accepting the office of vice-admiral by an expreſs intimation from the King, he thinking that he ſhould give too much countenance to the conduct of the parliament, if he ſuffered an officer of his own to command the fleet, under an admiral he did not appoint. This formality, Clarendon ſuppoſes, was very miſchievous to the King; and that captain Cartwright, had he been in the office of vice-admiral, could have preſerved to him a great part of the fleet.

This, and other accidents, the fore-mentioned hiſtorian, who deals much in judgments, ſays, looked like the hand of Providence, to take that ſtrength out of his majeſty's hand of which he was the moſt confident. *Clar. Hiſt.* vol. I. p. 375, 378, 526.

* The employing his nephews in the war againſt his people, was ſuppoſed to be a piece of policy in Charles, his ſiſter and her family having, till this period, enjoyed a great popularity among the Engliſh. The King had taken his elder nephew, the prince Elector, with him, in

the foot; and the marquis of Hertford* had a commiſ- Ann. 1642.
ſion to be kept ſecret till occaſion ſhould ſerve, to be his lieutenant-general of all the weſtern parts of the kingdom; with a power to levy ſuch a body of horſe and foot as he found neceſſary for his ſervice, and to contain his people within the limits of their duty.

THE firſt expedition of the King's was an attempt to recover Hull. Having previouſly put forth a proclamation, declaring the rebellion of Sir John Hotham; and ſent a meſſage to the parliament, ſignifying, that, before he would uſe force to reduce Hull, he once more required them to deliver it to him; wherein if they would conform, he would then be willing to admit ſuch addreſſes, and return ſuch propoſitions as might be proper to ſettle the peace of the kingdom; he repaired with his whole court to Beverly, attended with a ſmall train of artillery, thoſe troops of horſe and foot which had been raiſed to attend him as a

Expedition againſt Hull.

in his expedition to ſeize the five members. This prince, fearing the being farther expoſed to the probability of public hatred, had left the kingdom: his leſs prudent mother, though at this time ſupported entirely by the bounty of the Engliſh parliament, had written to her two ſons, Rupert and Maurice, both of them engaged in the King's ſervice, in a manner that expoſed her ſo much to the reſentment of this aſſembly, that it was warmly agitated, Whether, as ſhe had made ſo ungrateful a return for the favors ſhe had received from the popular intereſt in this country, it would not be both equitable and convenient to with-hold her allowance, and employ it to the public ſervice?

† This marquis of Hertford was that Seymour who had been ſo rigorouſly and illegally proſecuted by James, on his marriage with the unfortunate Arabella Stewart: he had received continual diſobligations from the reigning family, which occaſioned him ſome degree of popularity; yet his love of royalty was ſo great, that on the firſt advances from

Ann. 1642. guard, and the train-bands of the county *, to which place he aſſigned the parliament to ſend their anſwer.

Parl. Hiſt. vol. XI. p. 263, & ſeq. 276, 282, & ſeq.

FRESH advices having been received from Holland, that veſſels had embarked from thence, fraught with a large proportion of arms, and carrying on board prince Rupert, prince Maurice, and other officers, deſigned to ſerve in the royal army; that ſome of the troops, raiſed by the commiſſion of array, had begun

from the court, he chearfully accepted the invidious office of being tutor to the prince; and afterwards the nefarious one of raiſing arms againſt his country, in ſupport of an oppreſſive power, under which he had himſelf ſmarted.

* The parliament received intelligence, that colonel Wilmot, Sir Hugh Pollard, and Sir John Berkeley, were landed, with fourteen pieces of ordnance, and were making fortifications near Hull; that the lord Willoughby of Ereſby, ſon to the earl of Lindſey, and Sir Thomas Glemham, were come with two hundred horſe, upon the Humber ſide in Lincolnſhire; that the King came to Beverly, on the fourth inſtant in the morning, intending to ſet down before Hull the next day; that by proclamation he had forbid any proviſions to be ſent into the town, on pain of death; but that Sir John Hotham had drowned the country two miles round the town, ſo that no near approach could be made. On this intelligence it was reſolved, That ten thouſand foot ſhould be raiſed, five thouſand out of the liberties of London, and five thouſand out of the adjacent counties; that the officers ſhould be kept in continual pay, and the common ſoldiers every day they were trained; that two thouſand men ſhould be ſent by ſea to Hull, and ſome ſhips of war go down to the Humber; and that ſix pieces of ordnance, that were lately ſent from this town, ſhould be returned. The earl of Leiceſter, and lord Spencer, for oppoſing theſe reſolutions, were removed from their lieutenancies of Kent and Northamptonſhire; and the earl of Pembroke, who had before the lieutenancies of Wiltſhire, the Iſle of Wight, Kent, and the ſhires of Monmouth, Brecon, Glamorgan and Caernarvon, was appointed in their room. *Parl. Hiſt.* vol. XI. p. 270, 363, *& ſeq. Journals of the Commons*, vol. II. p. 682.

ſtilities

hoſtilities on the officers of militia, and had attempted to Ann. 1642.
ſeize on a magazine of arms in the county of Leiceſter, guarded by the earl of Stamford *. The declaring that lord, and thoſe who had aſſiſted him in the ſervice, traitors; the ſending of troops into Lincolnſhire, and ſeizing men's horſes by force; the garriſoning the town of Newcaſtle; the fortifying the river Tyne, to interrupt the conveyance of coal †; the inſolent behaviour of the Papiſts in Cheſhire, who in a peremptory manner demanded their arms ‡, ſeveral commiſſions having been given out to raiſe voluntiers for the King's ſervice: theſe, with a threatening declaration § againſt the proceedings of both houſes, and their adherents, occaſioned the parliament no longer to delay the putting themſelves into a poſture of defence. They paſſed a vote, That an army ſhould be raiſed for the ſafety of the King's perſon, the defence of both houſes

The parliament paſs a vote for raiſing an army, and prepare for defence.

* It was Mr. Haſtings, of the Huntingdon family, that endeavoured to ſeize on this magazine.

† The Commons having received information of great ſtore of arms and money being packed up, to be conveyed to York, paſſed an order for a general ſearch to take place in all cities, towns, villages, and ſhips, for theſe particulars. *Journals of the Commons*, vol. II. p. 653.

‡ The parliament had providently ſecured the arms of the Papiſts, who began at this time to be very riotous. A petition from Monmouth expreſſed great fears from the flocking together of theſe ſectaries. *Journals of the Commons*, vol. II. p. 579.

§ In a conference on the ſubject of this declaration, the Lords deſired the Commons to conſider into what condition all thoſe perſons were brought, who had obeyed the orders and commands of parliament, that there might be a ſpeedy courſe taken to provide for the ſafeties of the ſitting of parliament, the lives of its members, and the ſafety of all thoſe who had obeyed their commands. *Parl. Hiſt.* vol. XI. p. 265.

Ann. 1642. of parliament, and of thoſe who had obeyed their orders; and for preſerving the true religion, laws, liberty, and peace of the kingdom: that the earl of Eſſex ſhould be their general; and that they would live and die with him *. The earl of Bedford was nominated to the command of the horſe; whilſt Hampden, Hollis, Whitlock, Fiennes, Mainyard, Grimſtone, Selden †, Stapleton, St. John; men either eminent for their great knowlege of the law ‡, and conſtitution of the country, or for high virtues and abilities, entered themſelves into the ſervice of the parliament, and ac-

* To the ordinance for the commiſſion conſtituting the earl of Eſſex captain-general, the earl of Portland only diſſented in the upper houſe. The Commons ordered that the time when their houſe firſt voted the raiſing of an army ſhould be printed. *Parl. Hiſt.* vol. XI. p. 300. *Journals of the Commons*, vol. II. p. 700.

† The King thought himſelf ſo ſure of the affections of Mr. Selden, that he would have offered him the ſeals, but that he was told his love of indolence would make him decline the office. Whatever affection Mr. Selden might have to the perſon of the King, and however irregular he might think the conduct of the parliament, yet, when matters came to ſuch an extremity as to oblige the two parties to appeal to the ſword for the determination of their ſeveral pretenſions, he wiſely concluded that, if the popular party prevailed, on the wrecks of the preſent conſtitution might be eſtabliſhed a ſyſtem of law and Liberty; but, if victory attended the royaliſts, it would enable the King effectually to annihilate both. Notwithſtanding Whitlock, a cotemporary writer of undeniable authority, aſſerts, that Mr. Selden accepted of a commiſſion under the ordinance of militia, yet Clarendon ſays, that he inveighed againſt it as without ſhadow of law, or pretence of precedent, and deſtructive to the government of the kingdom. *Clarend. Hiſt.* vol. I. p. 517.

‡ Corbet and L'Iſle, two eminent lawyers, gave likewiſe an opinion for the legality of the ordinance of militia. *Whitlock*, p. 54.

cepted

cepted of commiſſions under the ordinance of the militia *. Ann. 1642.

The parliament ſend propoſitions to the King for peace.

The parliament were not without hope that the King, whoſe condition was by no means promiſing, might yet be brought to reaſonable conceſſions. At the ſame time that they paſſed their votes for raiſing an army, they reſolved, That a petition ſhould be prepared, to move the King to a good accord with the parliament, and to prevent a civil war. According to this reſolution, the earl of Holland, Sir John Holland, and Sir Philip Stapleton, were diſpatched with all ſpeed to Beverley, to preſent freſh propoſitions for peace. In theſe it was demanded, that the King would remove all preparations and actions for war, particularly the forces about Hull, Newcaſtle, Tinmouth, Lincoln, and Lincolnſhire: That he would recal the illegal commiſſion of array †, diſmiſs his new-raiſed troops, return to his parliament, and hearken to their faithful advice: That he would leave delinquents to the due courſe of juſtice; and that nothing done or ſpoken in parliament, or by any perſon in purſuance of the command and direction of both houſes, ſhould be queſtioned any where but in parliament: That they, on their parts, would leave the town of Hull in the ſtate it was before Sir John Hotham drew any forces

* The lords Say, Wharton, Fielding, Roberts, St. John, Grey of Grooby, Rochfort, Sir William Waller, Sir Henry Luke, Sir Henry Cholmley, Mr. Grantham, all members of parliament, had likewiſe regiments given them; the lord Kimbolton was made lieutenant-general, and Sir John Merric major-general of the parliament army.

† The judges were commanded by the two houſes to publiſh, in their circuits, the illegality of the commiſſion of array. *Journals of the Commons*, vol. II. p. 687.

Ann. 1642. into it, deliver the magazine into the Tower of London, and ſupply whatſoever had been diſpoſed of for the ſervice of the kingdom; and ſhould be ready to ſettle the militia by bill, in a way that ſhould be ſafe and honorable for the King, agreeable to the duty of parliament, and effectual to the good of the kingdom; that its ſtrength ſhould not be employed againſt itſelf; and that the parliament, and thoſe who profeſſed the Proteſtant religion, both in England and Ireland, ſhould not be left naked and defenceleſs to the miſchievous deſigns of their profeſſed and confederated enemies.

The King rejects the parliament's propoſitions.

CHARLES rejected theſe propoſals with a haughtineſs that even gave diſguſt to his friends who were the moſt attached to prerogative. His anſwer to the two houſes was as extraordinary in the matter as magiſterial in the ſtyle. He complained, that they had paſſed a vote of his intention to levy war againſt his parliament; a thing God knew his heart abhorred, notwithſtanding his profeſſions, declarations, proteſtations, to the contrary, ſeconded by the teſtimony of ſo great a number of peers; that it was the moſt ſcandalous and the boldeſt charge that had been yet laid upon him, that the neceſſary proviſion he had made for his own ſafety and defence, was to over-rule the judgment of his great council, and by force to determine the queſtions there depending, concerning the government and liberty of the kingdom. After denying all the particulars contained in the parliament's petition, he ſaid, that though he had reaſon to complain, that after they had ſent this, they had beat up drums, &c. yet

yet he was graciouſly pleaſed once more to propoſe and Ann. 1642. require, That the town of Hull, and its magazine, ſhould be delivered to him; on which, to ſhew his earneſt deſire of peace, he would diſpenſe with his own honor, and grant a free and general pardon to all perſons within the town: That his navy ſhould be delivered into ſuch hands as he had appointed for the government of it: That all arms, levies, and proviſions for war, made by the conſent of both houſes, ſhould be immediately laid down; and all power of impoſing laws without his conſent diſavowed. Theſe were the conditions on which the King promiſed to lay down arms, and repair to his parliament, that being adjourned to another place. Clarendon ſays, that ſeveral perſons of the King's own party, dreading the conſequence of exaſperating the two houſes to proceed to extremities, earneſtly importuned him to return the matter of his propoſitions in the ſofteſt manner that he could. Charles had a different game to play: he had now unexpectedly united to his cauſe * the greater number of the nobility and gentry of prime eſtates in the kingdom, who were ready to draw the ſword againſt their country, in defence of his prerogative. The natural repugnance which attends a crime of that horrid nature, once got over, and his followers engaged in blood, not only the mutual inveteracy that attends civil broils, but the preſervation of their forfeited eſtates, would render them entirely dependant on his

* Clarendon laments and cenſures that reluctance which was found, at firſt, among the moderate men of the King's party, to enter into preparations for the war.

fortunes:

Ann. 1642. fortunes: this, and the natural advantages that attend ſucceſs in arms, would enable him to inſiſt on conditions which were not at this time prudent even to avow to his friends; and, were he foiled in battle, he looked on monarchy to be ſo eſſential a part of good government, that he ſhould then be only obliged to ſubmit to what was now propoſed to him by the parliament. He poſitively refuſed to make any alteration in his anſwer; and having promiſed not to attempt Hull till he received the parliament's anſwer, proceeded to Nottingham and Leiceſter *, to ſecure the affections of thoſe counties †. On the return of the meſſengers, the par-

* Whilſt the King was at Leiceſter, ſome of his ſervants, in purſuit of the earl of Stamford and a party of militia, overtook the famous Dr. Baſtwick, a principal officer in the ſervice. The King would have had him indicted on the ſtatute of 25 Ed. III. but the judge then attending the aſſize told the King, he had no reaſon to be ſo confident of the country as to conclude that the jury would find the bill. The ſame judge, with ſome of the principal gentlemen of the county, the moſt attached to the King, preſſed him to diſcharge the doctor, or give the judge leave to do it, on an Habeas Corpus; urging it as an act of juſtice and mercy that would work upon the people of the county to his advantage. Charles, finding by theſe ſymptoms that Baſtwick would not be long in reſtraint after he left the county, told theſe counſellors he would think of the advice they had given him till the next morning; and immediately after their departure, directed a meſſenger of his chamber, with expedition and ſecrecy, to take Baſtwick out of the county-goal, and carry him to Nottingham, a place more particularly attached to him than any in the whole kingdom. Thus, by a meaſure that might have ſerved for a warning to thoſe of his followers who affected a regard for the liberty of their country, did the King give an early proof what fatal ſhocks that Liberty muſt ſuffer from the arbitrary precedents which he would have an opportunity to introduce in his military capacity. *Clar. Hiſt.* vol. I. p. 540, *& ſeq.*

† In his ſpeech to the inhabitants of the county of Leiceſter he told them, That he had ſent ſuch propoſitions for peace and accommodation to his two houſes of parliament, that he hoped he ſhould have no other uſe of their affections but their prayers, being ſure the two houſes would ſubmit to them with alacrity, if the inexcuſable enemies to the peace of the kingdom were not ſtrong enough to prevail. *Huſbands' Collections*, 8vo. Ed. p. 477.

liament ordered their general to purſue his levies with all the vigor and ſpeed he could; and an anſwer of refuſal was ſent to the King, encloſed to one of the ſecretaries of ſtate. Ann. 1642.

CHARLES immediately proceeded to the reduction of Hull. The earl of Lindſey, with a few raw, undiſciplined troops, to the number of two thouſand five hundred horſe and foot, after having made a few impotent attacks on the place *, was obliged to draw off his forces, and the King returned to York †. He was,

* Sir John Meldrum, a valiant Scot, diſtinguiſhed himſelf in the defence of the town of Hull: he acquired additional reputation by a very ſpirited and ſenſible letter he wrote to the King, on the conduct of the court and miniſtry. *Ruſhworth*, vol. IV. p. 610, *& ſeq.* 627, *& ſeq.*

† This attack on Hull was in purſuance of a plan formed between Sir John Hotham and lord Digby, for the delivering up Hull to the King. Digby had been ſent over by the queen, to concert with the King a plan of operation: on his return, to haſten the proviſion of arms and ammunition, he was taken and carried into Hull. Under the diſguiſe of a Frenchman, he remained ſome time unknown; but his active romantic genius prompted him at length to diſcover himſelf to Hotham: the manner in which Hotham entertained the diſcovery, encouraged Digby to attempt his converſion to the King's ſervice. After amuſing him with bombaſt declamations on the ſtate of affairs, and the conduct of the King's enemies, he told him, that he would, in a ſhort time, reduce them all; that they had already loſt the hearts of the people; that the fleet was entirely at the King's diſpoſal; that all the princes in Chriſtendom would engage in the quarrel; that the prince of Orange was coming over

Ann. 1642. in ſome meaſure, compenſated for this repulſe by the

over at the head of an army, to attack Hull, &c. Then entering into a large deſcription of the honor and glory that man would have, who could be ſo bleſſed as to prevent this terrible ſcene of confuſion, he told Hotham, that he was the perſon that could do it; that, by delivering up Hull to the King, the war would be extinguiſhed, and peace eſtabliſhed throughout the kingdom; that the world believed he, Digby, had ſome credit both with King and queen, and he would employ it all, that Hotham ſhould have the full recompence of his merit. The weak old man either liſtened, or ſeemed to liſten with an attention that ſpoke approbation of this vain diſcourſe: it was at length determined between them, that if the King would attack the town, tho' but with one regiment, and ſhoot a ſingle ſhot againſt it, Hotham would immediately deliver it up. Full of imaginary ſucceſs, Digby poſted to York, to concert meaſures for the enterprize; but in the interim Hotham, finding that the proſpect of the King's affairs were not ſo favorable as had been repreſented, and farther intimidated by the earl of Warwic's coming into the port of Hull with ſeveral ſhips of war, on Digby's return he told him it was impoſſible for him to execute what he had promiſed; and all that Digby could obtain was, that himſelf and Aſhburnham, who had been taken priſoner at the ſame time, ſhould have liberty to go to their maſter at Beverley, who, on this diſappointment, was obliged to deſiſt from any farther attempt on Hull. Clarendon is the relator of this ſecret piece of hiſtory, who, with his uſual pomp of language, makes the following reflection on the incident of Digby's eſcape (the moſt odious man in the kingdom to the parliament): "It was a wonderful influence that this noble perſon's ſtars, which uſed to lead him into and out of the greateſt perplexities and dangers, throughout the whole courſe of his life, had upon this affair."

This was not the only plot which had been laid for the reduction of Hull. Some time previous to this period, Beckwith, a Papiſt, endeavored to ſeduce his ſon-in-law, one Fowkes, a lieutenant in the trained-bands of Hull, to betray the town to the King. For this ſervice Fowkes was offered for his captain 1000 l. per annum, and 1000 l. in money, and for himſelf 500 l. per annum, and 500 l. in money; the annuity to be ſettled on themſelves and next heirs for their lives. Fowkes

unexpected conduct of Goring, the governor of Portſmouth, who, notwithſtanding the moſt ſolemn profeſſions of attachment to the parliament, in this important criſis, declared for the King *. The acceſſion of a ſea-port town, of reputed ſtrength, and the gaining an officer of ſome experience in ſervice, elated Charles to ſuch a degree, that he immediately publiſhed a declaration, recapitulating all thoſe actions he termed inſolent and rebellious, in the two houſes; and, at the ſame time, put forth a proclamation, in which he required all men who could bear arms to repair to him, at Nottingham, by the twenty-fifth of Auguſt follow-

Ann. 1642. Goring, the governor of Portſmouth, declares for the King.

The King's declaration againſt the parliament.

Fowkes had the honeſty to diſcloſe the offer to the governor, and a ſcheme was laid to draw into a ſnare 1000 of the King's horſe, and 500 foot; but Sir John Hotham afterwards changing his mind, notice was given to the King, that his plot was diſcovered. On the parliament's receiving intelligence of the buſineſs, a meſſenger was diſpatched to York for the apprehenſion of Beckwith, who was not only protected by the King, but the meſſenger was inſulted. *Clar. Hiſt.* vol. I. p. 545, *& ſeq.* *Ruſhworth*, vol. IV. p. 599, *& ſeq.*

* Goring, either by ſuppreſſing part of the evidence on the ſubject of the army-plot, or by an inſinuating manner, preſerved ſo much of the queen's regard and confidence, that ſhe had once determined to put herſelf under his protection, whilſt the King ſhould repair to the North. On his declaring for the King, he impoſed an oath on the garriſon and townſmen, thruſt thoſe out of the town who refuſed to take it, and received into the fort many Papiſts. His being diſappointed in the expectation he had formed, on ſome ſlight promiſe, of being made lieutenant-general of the horſe in the parliament's army, a poſt which was conferred on lord Kimbolton, might have occaſioned him, the moſt vain and profligate man of his time, to act this treachery. *Parl. Hiſt.* vol. XI. p. 363.

Ann. 1642. ing, there to attend his royal ſtandard, which on that day he intended to erect †.

† The bills which had paſſed the two houſes during the King's abſence, and to which he denied his aſſent were, viz.
1. For the better obſerving the Lord's day.
2. For clearing the five members.
3. For the forfeiture of the eſtates of the delinquent biſhops.
4. To reſtrain the creation of peers.
5. For raiſing 10,000 men for Ireland.
6. For calling an aſſembly of divines.
Parl. Hiſt. vol. X. p. 389, 487, 515. vol. XI. p. 136.

CHAP. V.

State of each party on the commencement of the war.——The King endeavours in vain to gain the Scots.——Proclaims the earl of Eſſex and his adherents traitors.——Publiſhes a declaration againſt the parliament, and offers pardon to thoſe who ſhould lay down arms.——The royal ſtandard erected at Nottingham.——Overtures of peace.——Impolitic declaration of parliament.——The King retreats to Shrewſbury.——His proteſtation ——Gains recruits of men, money, and arms.——Fallacious conduct of the King and Papiſts.——Battle at Edg-hill.——Banbury ſurrenders to the King.——Victory claimed by both parties.——The King takes poſſeſſion of Oxford and Reading.——The parliament vote an addreſs for a treaty, and take meaſures to ſecure the city.——Diviſion among the popular leaders.——Large faction in favor of the court.——Artful conduct of the King's enemies.——Treachery of the King.——The two armies meet and retire without fighting.——The King endeavors in vain to reſume the intended treaty.——Aſſeſſments.——Strength of the royal party.——Army of Papiſts and malignants, under the earl of Newcaſtle,

caſtle, infeſt the North.——Parliament's forces in thoſe parts commanded by the lord Fairfax.——Encounter.——Counties aſſociated by the parliament.——Application to the King for peace.——Fruitleſs treaty at Oxford.——Return of the Queen.——Strength of the royal party in the North.——Succeſſes in Cornwal.——Cirenceſter taken by the royaliſts.——Succeſſes of the parliament.——Death and character of the lord Broke——Reading retaken by the parliament.——Treacherous conduct of Eſſex.——Skirmiſh on Chalgrave field.——Death and character of Hamden.——Defeat of the parliament's forces at Adderton-moor, at Stratton, on Roundway-Down.——Briſtol taken by the King's forces.——Triumphant ſtate of the King's affairs.

CITIZENS and brethren, involved in acts of hoſtile violence againſt each other, the conſequence of civil broils, muſt be a circumſtance ſo repugnant to humanity, that it is to be imagined no incitements leſs powerful than the principles of ſelf-defence, the ſtrong allurements of intereſt, or ambitious views, could engage men in ſuch unnatural contentions. That the parliament, actuated by a generous love of freedom, animated with the hopes of attaining the brighteſt, the moſt virtuous object of ambition, and incited by the fear of again falling into that ſlavery from which they had glorioufly redeemed themſelves and country, ſhould urge matters to the extremity of war, is neither a ſubject of ſurprize or blame; but that a prince who had, for the ſpace of twelve years, ravaged the conſtitution by repeated acts of tyranny and violence, had levelled the boundaries of law, and thrown down the bulwarks of civil and religious freedom; that ſuch a prince, in his adverſe ſtate, ſhould find a party to eſpouſe his broken fortunes; that he ſhould be able to perſuade Ann. 1642.

Ann. 1642. men to risk their all, in defence of his grandeur and authority; that he should be able to persuade men to lift their impious hands against the altars of Liberty, and drench their country in blood, to support him in a power he had abused, are circumstances which exhibit a melancholy proof of the extreme depravity of the human mind, when men cease to balance their affections by the scale of virtue and reason.

The state of each party on the commencement of the war.

Though the provocations the English had suffered, under the government of the Stewart family, had in appearance roused an universal spirit of opposition, yet when the jarring between the King and parliament came to hostilities, and the majesty and indefeasible power of the people were opposed to the claims of monarchy, the King found among the men of fortune and family a numerous party: these, priding themselves in the vulgar consideration of descent from opulent ancestors, fancied they had attained from this accident a right to tyrannise over their fellow-citizens: they sickened at the new-broached doctrines, asserting the equal rights of men; and deserting that cause which envy and oppression had engaged them to abet, ranged themselves on the side of the crown, from whence they expected support in their iniquitous pretensions. Thus the greater weight of landed interest operated for the King, who had likewise all the popish recusants, and those who were superstitiously attached to the hierarchy; two numerous bodies of men. These advantages were more than balanced by the popularity of the parliament. There were, in these days, a numerous set of people, who by husbandry, cloathing, and other industrious arts, were possessed of great property, and some of them good

good estates; these men being treated superciliously by Ann. 1642.
the court, the nobility, and the gentry of ancient descent, all sided with the parliament. The commercial part of the nation, whose success depends on popular privileges, were wholly theirs *. They had the affections of all the lower class of people that were Protestants, and who were not tied by particular dependencies on the aristocratical families. These had been great sufferers by the tyranny which the clergy had usurped over their consciences, and were desirous to free themselves from the oppression of the lay gentry, who had been weak enough to fling out this provoking insult on their condition, viz. That twenty pounds a year was enough for every peasant to live on.

The parliament had secured London and all the seaports in the kingdom, except Newcastle and Portsmouth; the whole navy was in their service; the customs yielded them a considerable supply †; they had in their

* The trading part of the nation, who at this time began to be possessed of great property, were treated with a high degree of contempt by Charles and his father, and their nobility; and the arbitrary acts of government exercised by the Stewart family was more sensibly felt among this body of men, whose want of vice rendered, in their eyes, the manners of a court hateful and despicable.

† The parliament, by ordinance, appointed a defalcation of fifteen per cent. to those merchants who should advance, by way of loan, unto their commissioners, those sums of money which, by the last book of rates, would have been legally due, if the King had passed their bill of tonnage and poundage, declaring there should be a provision made in their next grant to the crown for the indemnity and security of such merchants; and that the defalcation of fifteen per cent. should be confirmed to them. In this ordinance it is asserted, That the debt due to the navy was 200,000 l. and that fifty-two ships of war were in the actual service

Ann. 1642. hands a large ſum of money raiſed for the relief of Ireland. Contributions were ſo eaſily gathered, and

ſervice of the kingdom. It appears, by the King's proclamation, prohibiting the payment of cuſtoms, on the authority of this ordinance, that it was generally obeyed. The parliament afterwards publiſhed a juſtification of their ordinance, in anſwer to the King's proclamation: in this they aſſerted, That the meaning of the penal clauſe in the act of tonnage and poundage, paſſed this parliament, was only to reſtrain the crown from impoſing duties on the ſubject, without their conſent, but did no ways intend to extend to any caſe where the Lords and Commons had given their aſſent. The King's proclamation having obſerved, that the payment of the cuſtoms ſeemed to cheriſh and foment an unnatural war, the parliament replied, that ſo much of that money as had been exacted by the earl of Newcaſtle, the lord Mohun, Sir Ralph Hopton, was indeed employed to ſupport an unnatural war, and foment a civil diſſention; but that which had come to the diſpoſal of the parliament had been, with care and faithfulneſs, diſburſed for the payment of navy-debts, due by his majeſty before the beginning of this parliament; and for the ſetting forth two fleets the laſt ſummer, the one for guarding the coaſt of Ireland, and preventing aid to the rebels; the other for the defence of England, the preventing an invaſion, and the preſervation of merchant-ſhips from pyrates. To the King's aſſertion that, by the merchants' obedience to the ordinance of parliament, the trade of the kingdom was much leſſened, they replied, that the rebellion of Sir Ralph Hopton in the Weſt wholly deſtroying the flouriſhing manufactories of the new draperies in thoſe parts, by robbing the carriers and trawnters, by his majeſty's cavaliers, of woollen cloth and other manufactures; whereby the commerce and intercourſe of trade between London and the remote counties were interrupted: the rebels of Ireland ſetting forth men of war, and making prize of our merchantmen trading to and from foreign parts, had leſſened trade; but the money raiſed by virtue of the ordinance of parliament was the only means to maintain the navy, without which trade and commerce would have been by pyrates, Iriſh rebels and foreign forces, wholly deſtroyed; and not only trade, but the whole kingdom, inevitably expoſed to deſtruction, by his majeſty's refuſing to paſs the bill for tonnage and poundage, had not the parliament wholly taken upon them the care

loans ſo chearfully complied with, that, on a declara- Ann. 1642.
tion of parliament, for the bringing in of money or plate to furniſh horſe and arms, or for providing and maintaining horſe, horſe-men, and arms, on the condition of re-payment, with the intereſt of eight per cent. ſums to the value as it is ſaid, of ſome millions, were brought to their committees: all ranks and conditions of men and women poured in their treaſure to ſupport the common cauſe, whilſt the poorer ſort of females offered up their wedding-rings and bodkins. With theſe eminent ſuperiorities the popular party had a brighter, more beneficial one. The genius of the nation, which had been long improving by a taſte for Freedom, now exempt from the fetters of tyranny, was riſen to a very exalted height, and ranged itſelf on the ſide of its parent Liberty. It was from the elocution of Pym, the unbounded knowlege and perſuaſive talents of Hampden, the profound ſagacity of young Vane, &c. that it owed its greateſt ſucceſs.

The King had a particular diſadvantage, which he had incurred from the duplicity of his conduct: notwithſtanding all his aſſertions to the contrary, the people in general believed he had an averſion to the free government of the country; that he had conſented to all the laws paſſed this parliament with reluctance; that neither his oaths nor promiſes could be depended on; and that he meant to reſcind or depart from every thing that had been enacted in favor of public Liberty. He

care thereof. *Parl. Hiſt.* vol. XI. p. 343, *& ſeq.* *Ruſhworth*, vol. V. p. 87.

had

Ann. 1642. The King endeavors in vain to gain the Scots.

had written a letter to his council in Scotland, in which he gave an account of the poſture of his affairs, and of the conduct of the parliament. The council ſent him an anſwer, full of zeal and affection; and a petition was obtained, as from a large body of the noblemen, gentlemen, burgeſſes, and miniſters of the kingdom of Scotland, in which many things were ſaid to the diſparagement of the Engliſh parliament, who, on hearing of this intrigue, took meaſures that effectually fruſtrated the intent. The forementioned petition was diſowned; and the Scots council, who were importuned by the nobility, miniſtry, and burgeſſes of Edinburgh, not to meddle for the King againſt the parliament, formed a petition, in which they intreated the King to hearken to his greateſt, his beſt, and moſt unparalleled council; they diſſuaded him from a journey into Ireland; declared their earneſt deſires, that an union might be perfected between the King and parliament; and ended with a large manifeſtation of their hearty affection to this aſſembly, proteſting that they would do nothing contrary to their privileges. Though a different conduct, in the Scots, would have been weak, ungrateful, and contrary to their obvious intereſt, yet it was an unexpected blow to the King, who had ſedulouſly courted this people, from the time that he had determined to bring matters to a rupture with the Engliſh parliament. A meſſage of thanks was ſent to the Scots privy-council, for their good advice: in this they were deſired not to interpoſe in a manner that ſhould weaken the confidence, or endanger the peace of the two kingdoms; and aſſured, that the parliament of England, accord-

Vicar's Parl. Chron. p. 107.

Whitlock, p. 56.

according to the treaties ratified in both parliaments, the brotherly affection which they bore to the Scots nation, the intereſt they had in its proſperity ſo much conducing to the eſtabliſhment and ſecurity of the true religion and juſt liberties of England, would be very careful of the preſervation of the mutual affection between the two kingdoms; for the better improving of which, and the applying their mutual union and correſpondence to the ſettling the preſent troubles, they were deſired to ſend the parliament of England the ſeveral meſſages, declarations, and inſtructions, they had received from the King. That they might the better remove any doubt or miſtake of their actions, they did intend, on their ſide, to ſend to the council of Scotland ſuch declarations, petitions, and remonſtrances, as they ſhould have occaſion to make to his majeſty and the people of England.

Ann. 1642.

CHARLES, at the ſame time that he commanded his ſubjects who could bear arms to attend his royal ſtandard *, proclaimed the earl of Eſſex and his adherents traitors †, and publiſhed a large declaration againſt

The earl of Eſſex and his adherents declared traitors.

* On theſe proclamations of the King, the parliament publiſhed a declaration, that whoever ſhould aſſiſt him in promoting this war againſt his people, he intending to make himſelf an abſolute conqueror of theſe kingdoms, if not timely prevented, were traitors, and ſhould be brought to condign puniſhment. *Parl. Hiſt.* vol. XI. p. 386.

† On a conference between the two houſes, on the ſubject of this proclamation, Eſſex, after proteſting that his actions ſhould ſhew him as dutiful a ſubject as any the King had, ſaid, he was as ready to venture his life in defence of the law, as the other great general for the breach of it. In the lower houſe, on the queſtion being put, Whether that houſe would maintain, aſſiſt, and adhere unto him for the ſupport

Ann. 1642. the parliament*. He accuſed them of an intention to involve religion and Liberty in anarchy and confuſion;

of the Proteſtant religion, the King's perſon, &c.? every member roſe up in his place, one after another, and gave a diſtinct anſwer; and a reſolution paſſed, that abſent members ſhould declare themſelves, from time to time, as they came into the houſe. Two days afterwards, the Commons ſent up an impeachment againſt the marquis of Hertford, the earl of Northampton, and Henry Haſtings, ſecond ſon to the earl of Huntington, for high-treaſon, in actually levying war againſt the king and kingdom. Several peers were committed, for putting in execution the King's commiſſion of array. *Parl. Hiſt.* vol. XI. p. 369, *& ſeq.*

* The parliament, in hopes of getting rid of a conteſt which conſumed the time of their ableſt members, had forbid the publiſhing any declarations or papers of the King's, that ſhould be contrary to their ordinances: indeed, in the war of the pen, they fought on very unequal terms. The greater part of the nation were ſuperſtitiouſly attached to old cuſtoms, and bigots both in politics and religion; the poſſeſſion of uſeful learning was confined to a few individuals; the herd continued in the dark obſcurity of Gothic ignorance, or employed their faculties in the barren paths of ſcholaſtic divinity, and the light and deluſive ſtudy of poetic fancy; parts of literature which narrow and miſguide the mind. Whilſt oppoſition was directed by the common forms of the conſtitution, the reaſoning of the popular leaders was cloſe, clear, and concluſive; but there can be no preciſion in argument, where the poſition on which the argument is built muſt be either diſguiſed or excluded. The King derived advantages from the very circumſtances that hampered his opponents, who could alone found their pretenſions on concluſions drawn from poſitions neceſſary to the freedom of the conſtitution, but diſagreeing with its forms, and not expreſſed in any law; whilſt the King would own no fundamentals but poſitive, expreſs, and particular laws, which were all on his ſide, and obvious to vulgar ſenſe. This controverſy, however, ſubjected him to the mortification of owning that his adminiſtration, during the firſt fifteen years of his reign, was illegal and tyrannical; of proving the miſchiefs which flow from arbitrary power, the natural conſequence, he ſaid, of the parliament's maxims; and that the government of England was compounded of monarchy, ariſtocracy, and democracy: but then, by his denying that the parliament, in any caſe whatſoever, could

and aſſured the people, that their peace and ſecurity Ann. 1642.
was ſhaken in the wounds that were given to his honor and authority. On recapitulating the favors he had beſtowed on his ſubjects, he aſſerted it was his earneſt and affectionate deſire to beget a right underſtanding with them, that occaſioned him to ſummons this parliament, and not any force on his inclination*. The high-commiſſion court, he acknowleged, had proceeded with too much ſtrictneſs, where the tender conſciences of many of his weak ſubjects† were concern-

could intermeddle with his government, he confined the exiſtence of the two laſt-mentioned ſpecies to theory only, and evidently reclaimed the conceſſion, by aſſerting, that his rights were of divine original, ſettled and eſtabliſhed on himſelf and poſterity by God; ſince the laws of the conſtitution, allowed on all ſides to be merely human, could never bind or controul the unalterable dictates of the Divinity. But abſurd as are the pretenſions and glaring contradictions to be found in the King's declarations, they paſſed with his own party as orthodox doctrine; and even among the preſbyterians, who were looked on by Charles and his father as irreconcileable enemies to their power, there were few who had formed any juſt notions of the nature of politic ſubordination, and the ſeparate and diſtinct principles which bind the conſciences of men in matters civil and religious: the prejudices of the majority of the parliament itſelf, were oppoſite to thoſe tenets on which a war with the King could be rationally juſtified; and the cauſe of Liberty owed its ſucceſs alone to ſuch a flagrant want of ſincerity on the King's part, that convinced the people, yet ſmarting under the injuries of recent oppreſſions, that their ſafety depended on diſabling him from reſcinding thoſe acts of juſtice which he had been neceſſitated to paſs this parliament.

* If this had been the motive of the King's action, why did it not determine him to what was ſo univerſally agreeable to the people; and to what they had ſo undoubted a right before the riſing of the Scots?

† The King always affected to call the non-conformiſts his weak ſubjects.

Ann. 1642. ed; many perſons had been grieved and vexed, under color of executing the foreſt-laws; and ſome endeavors had been made to ſet on foot foreſts, where in truth none had been; but then he no ſooner received complaint of this, but he paſſed an act for redreſs *. He had conſented to the abolition of the power of the high-commiſſioners, without preſſing that the power might be rather qualified, and care taken for the upholding eccleſiaſtical diſcipline: without diſputing his right, he had conſented, that the judgment in his favor, in the buſineſs of ſhip-money, ſhould be vacated and cancelled; and in the preamble to the bill of tonnage and poundage, had parted with his power of impoſing, a power which had been adjudged good, and exerciſed by his anceſtors †. After the King had expatiated on the merit of his conceſſions, he enlarged on the ungrateful return he had met with from the parliament: On their accuſation of his intention to bring up the army to awe the parliament, he aſſerted, that no man could believe him guilty of ſo ſtrange a plot: On the ſubject of the conſpiracy againſt the marquiſſes of Hamilton and Argyle, he ſaid, the grounds of their fears were fully examined by the Scots parliament, their perſons being of that quality and eſtimation in the kingdom, that they were ſure of juſ-

* When the complaint was backed by the authority of parliament, aſſiſted by the power of two large armies, and the inclinations of the people.

† The King ſtill inſiſted that he had a right to theſe unconſtitutional prerogatives; and allowed, in this caſe, what he had before denied, on the occaſion of his exacting obedience to his commiſſion of array, viz. that the preambles of bills were binding.

tice.

tice *. Among the crimes of ingratitude with which the Ann. 1642.
King charged the parliament, he told them, they had forgotten that bleſſed condition his ſubjects had enjoyed, of peace and plenty, under his government †; and animadverted on the remonſtrance of the houſe of Commons, as of dangerous conſequence to parliaments, being the firſt appeal that was ever made to the people ‡. The accuſation and commitment of the biſhops was remembered among the faults of the parliament; and the King inſiſted, that they could not repair to the upper houſe, without danger of their lives §. He aſſerted, that his proceedings againſt the ſix members were legal; and that the order of the houſe of Commons, againſt arreſting their members, was much more unjuſtifiable by any rule of law or juſtice, than any thing he had ever done, or any body had done by his authority.

* A ſtrange aſſertion, that they were ſure of juſtice from theſe circumſtances only.

† This was a circumſtance entirely owing to the accidents of the times, and to the virtue and induſtry of the Engliſh; a circumſtance greatly checked by monopolies and other parts of evil adminiſtration, and a circumſtance which Charles endeavored to deprive of its advantages, by attempting to eſtabliſh an arbitrary power of taxation.

‡ Who had any right to be the judges of their behaviour but their own conſtituents? and to whom can any part of the legiſlature appeal for a ſanction to their conduct, but to thoſe from whom they derive their authority?

§ Many of the biſhops, on their examination, declared to the contrary. The King, in endeavoring to lower the character of the popular members, makes a very odd confeſſion. He taxed them with being ſo greedy of preferments, that they would even have ſaved the life of the earl of Strafford, if he would have conferred deſired offices on them.

He

Ann. 1642. He confeſſed, that his withdrawing to the North, was to be free from the importunate ſolicitations of the mean people; and reviled the leaders of the popular party, as contemptible in number, and inconſiderable in fortune and reputation *. In regard to the navy, the parliament might as lawfully have ſent his ſhips to the Indies, and ordained, that he ſhould never have any more, as keep them in the Downs againſt his will, and under a command he did proteſt againſt †. He charged them with having waſted and conſumed the money given by act of parliament for diſcharge of the debts of the nation ‡; called their conduct an impudent injuſtice; aſſerted, that the ſecurity of the public was provided for by the commiſſion of array; that the ordinance of the militia could have no honeſt end, that was not obtained by that commiſſion; and owned that the power was in different hands, and like to be employed to other uſes, than that ordinance was intended. He would not, he ſaid, ſubmit to the nineteen propoſitions, depoſe himſelf, and ſuffer the people and

* This calumny is contradicted by Clarendon, who is one of the moſt partial writers of theſe times, and who had an inveterate malice againſt theſe men. "In the houſe of Commons, ſays he, the great managers were men of notable parts, much reputation, admirable dexterity, pretenders to ſevere juſtice and regularity." *Clarendon's Hiſtory*, vol. I. p. 514.

† The parliament could not deprive the kingdom of its defence, or of the uſe of its navy; though they might prevent the King from taking ſuch an advantage of the truſt inveſted in his office, as ſhould turn the arms of the public againſt itſelf: but theſe are diſtinctions incompatible with the prejudices of the King.

‡ The parliament, after this, publiſhed an account of their receipts and diſburſements. *Vicar's Parl. Chron.* p. 109.

king-

kingdom, which God and the law had committed to his government and protection, and for which he muſt make an account, to be devoured by them. Ann. 1642.

As if the invectives and aſſertions to be found in this voluminous declaration were ſo many undeniable facts and poſitions, the King, in a triumphing manner, aſked, Can our good ſubjects be longer kept in this trance? Can our nobility, gentry, clergy, commonalty of England, ſacrifice their honor, intereſt, religion, and Liberty, to terms, and the mere ſound of parliament and privilege *? Is it poſſible for us to be made vile and contemptible, and ſhall our good ſubjects continue as they are? Can our juſt power be taken from us; and ſhall they enjoy their liberty †? Charles ends his declaration with accuſing of treaſon the ſix proſecuted members, with Sir Henry Ludlow, Mr. Martin ‡, alderman Pennington, and captain Venn §; threatens to cauſe indictments to be drawn againſt the

* Quere, whether honor, intereſt, religion, Liberty, in the King's declarations, was not more mere ſound than parliament and privilege, in the parliament's?

† Surely this might be very poſſible.

‡ The following expreſſion, in a very warm debate, had fallen from Sir Henry Ludlow, in the Commons' houſe: That Charles was not worthy to be King of England; and from Mr. Martin, that the kingly office was forfeitable; and that the happineſs of the kingdom did not depend upon Charles, or upon any of the royal branches of that ſtock. For theſe ſpeeches, which the houſe conſidered as untimely and intemperate, theſe two members, tho' of great intereſt with the popular party, were ſeverely reprehended by the ſpeaker, by order of the houſe.

§ The King accuſed theſe two of having ſtirred up the mob to tumult.

earls

Ann. 1642. earls of Warwic, Eſſex, Stamford, lord Brook, Sir John Hotham, ſerjeant-major general Skippon, and all thoſe who ſhould henceforth exerciſe the militia, by virtue of the ordinance on the ſtatute of the twenty-fifth of Edward III. and offers a free pardon to all his loving ſubjects who ſhould deſire it, except the perſons he had named, on the condition of laying down their arms *.

The King offers pardon to thoſe who ſhall lay down arms.

The royal ſtandard erected.

On the twenty-ſecond of Auguſt the royal ſtandard was erected at Nottingham †; but to the ſurprize and

* The King, in this declaration, reproaches the Commons for a very proper diſtinction they had made in their orders concerning the election of their members, viz. That the members of the upper houſe ſhould not interfere in this buſineſs, but that the order ſhould not conclude the Commons. The parliament publiſhed their reaſons for taking up defenſive arms; theſe were a recapitulation of all the provocations they had received from the court, with the dangers that threatened the freedom of the conſtitution, from the pernicious ſchemes of the King and his party. *Huſbands' Collections*, p. 541. *Parl. Hiſt.* vol. XI. p. 350. *& ſeq.*

† On the top of the King's ſtandard hung a flag, on which were the King's arms quartered, with a hand pointing to the crown placed above, with the following motto, "Give unto Cæſar his due." Tories and high-churchmen have reviled and ridiculed their opponents for a licentious and abſurd application of the holy ſcripture phraſes; but no people have been more free with ſuch quotations, or have miſapplied them more groſsly. A ſtrong proof of this is their continued uſe of, and wreſting the text, "Render unto Cæſar the things that be Cæſar's," to a general obedience to the will of princes, whether that obedience is ordained by the laws of the country or not; or whether, by the general unalterable laws of ſocial compact, princes, by their ill conduct, have forfeited their title to ſuch obedience. The forementioned text has no other direct meaning than a general precept, founded on the common principles of juſtice, ſuch as, Give unto every one his due; and uſed at this time by Chriſt as a wiſe and cautious evaſion of the perſecution intended him by the Phariſees. The doctrine preached by Chriſt to his fol-

and mortification of the King, there appeared no con- Ann. 1642.
flux of people in obedience to his proclamation. His

followers is of a different ſtamp than what the comments of time-ſerving prieſts have inferred from this their favorite text, "Render unto Cæſar, &c." Chriſt forbids his diſciples to admit in their governments the pride, the pomp, the deſpotiſm, that at this time prevailed in the heathen ſtates. "The kings of the Gentiles, ſays he, exerciſe lordſhips over them, and they that exerciſe authority upon them are called benefactors; but you ſhall not do ſo: but he that is the greateſt among you, let him be as the younger, and he that is chief as he that ſerves." The doctrine of Chriſt aſſerted the equal rights of men; he not only recommended, but commanded his diſciples to preſerve that equality both in their civil and religious inſtitutions. The matchleſs Milton has obſerved, that no government comes nearer to this precept of Chriſt than a free Commonwealth, wherein they who are greateſt are perpetual ſervants and drudges to the public at their own coſt and charges, neglecting their own affairs, yet are not elevated above their brethren, live ſoberly in their houſes, walk the ſtreets as other men, may be ſpoken with familiarly, without adoration. As the doctrines of Chriſt plainly inculcated the freeſt principles of civil and religious Liberty, in oppoſition to the pride, pomp, and power of the Jewiſh prieſthood, he was oppoſed with acrimony; and at length, on the common accuſation of being a ſeditious diſturber of government, crucified by the intrigues of theſe ſpiritual tyrants, who, imagining his zeal for juſtice would make him launch out into unſeaſonable invectives againſt the monſtrous abuſed power of the Cæſars, tempted him with that enſnaring queſtion, "Is it lawful to give tribute unto Cæſar or not?" That this is the proper expoſition of this text, the very queſtion itſelf, with the introductory paſſage, evidently proves. "Then went the Phariſees, and took counſel how they might entangle him in his talk; and they ſent unto him their diſciples, with the Herodians, ſaying, Maſter, we know that thou art true, and teacheſt the ways of God in truth, neither careſt thou for any man, for thou regardeſt not the perſons of men; tell us, therefore, what thinkeſt thou, is it lawful to give tribute unto Cæſar or not." Had the tendency of Chriſt's doctrine been that of paſſive obedience, would the Phariſees have thought this a proper queſtion to enſnare him? "Thou careſt not for any man, ſaid they, neither regardeſt thou the perſons of men (i. e. you pay no adulation to power); tell us, therefore, is it lawful to give tribute unto Cæſar or not?" The queſtion

Ann. 1642. horſe, to the number of eight hundred, under the

aſked is not, Whether the Jews, from obligations of conſcience, were bound to give tribute to Cæſar; but, Whether, having been a free and independant people, they could, without ſin, acknowledge the authority of Cæſar, and ſubmit to the Roman yoke? This they undoubtedly could do, becauſe there was, at this time, no probable, or hardly poſſible, means to free themſelves; therefore Chriſt, perceiving their wicked deſign, evaded the entering into the particulars of the caſe, and ſaid, "Why tempt ye me, ye hypocrites? (i. e. why do you pretend ſcruples of conſcience to enſnare me?) ſhew me the tribute-money. Then they brought unto him a penny. Whoſe image and ſuperſcription is it? (ſaid our Saviour) They ſaid unto him, Cæſar's. Then ſaid he unto them, Render therefore unto Cæſar the things which are Cæſar's, and unto God the things which are God's." Had the end of Chriſt's miſſion and doctrine been the eſtabliſhing of governments on the baſis of conſcience, could there have been a more favorable opportunity than was given him by this interrogation of the Phariſees, to have expatiated on the ſubject of obedience as a moral and religious duty? But this would have been a contradiction to the whole tenor of his doctrine, which evidently tended to emancipate his followers from the ſervile yoke and cuſtoms of the Gentiles, to aſſert the independency and free agency of man, and render him capable of attaining that ſublime degree of moral and religious virtue which he taught and practiſed; an example impoſſible to have imitated, had his diſciples been bound by religious obligations to have obeyed the ſottiſh commands of their Gentile governors. Had not Chriſt intended to evade acknowledging the authority of Cæſar, he might have given a ready anſwer to the queſtion, "Is it lawful, &c." by telling the Phariſees, that Cæſar was their ſupreme governor; that kings and emperors held their power by the particular will of God; that they were earthly repreſentatives of the majeſty of the Deity; that they were his vicegerents; and that, as ſuch, they were bound in conſcience to yield obedience. This doctrine, which has been maintained by modern divines, would from ſuch an authority have very ſufficiently enforced the precept of obedience to governors, whether for good or evil; but Chriſt, in his anſwer, carefully avoided confounding political and religious obligations, or uniting the circumſtance of giving tribute to Cæſar with the idea of religious duty. On being told that the image and ſuperſcription of the penny

command of prince Rupert, lay at Leiceſter *; his Ann. 1642.
cannon and ammunition were left behind at York, there not having been foot enough levied to guard it in its paſſage to Nottingham. Some few train-bands which Sir John Digby, the ſheriff of the county, had drawn together, was all the ſtrength he had to defend his own perſon; a force ſo much inferior to what the parliament had now in the field, that Sir Jacob Aſhley, the ſerjeant-major-general of his army, told him, that he could not give any aſſurance that he might not be taken out of his bed, if the rebels ſhould make an

penny was Cæſar's, "Then, ſaid he, render therefore unto Cæſar the things which are Cæſar's, and unto God the things which are God's." The tempters, diſappointed of their deſigns by this unexpected forbearance of our Saviour's, marvelled, and went their way.

The famous writer of the Tory party, lord Clarendon, has adorned the heads of the ſeveral books into which he has divided his hiſtory, with quaint, though not always pertinent, texts of ſacred ſcripture; and in that very performance, blames the popular preachers for perverting thoſe writings to their purpoſes. The ſame paſſage in which he mentions with diſapprobation ſeveral apt texts which theſe had made uſe of, he ends with, "The complaint of the prophet Ezekiel might moſt truly and moſt ſeaſonably have been applied: There is a conſpiracy of her prophets in the midſt thereof, like a roaring lion ravening the prey. They have devoured ſouls, they have taken the treaſure and precious things, they have made her many widows in the midſt thereof." Clarendon, in a ſecond obſervation, ſuppoſes that no ſin can be more reaſonably determined to be the ſin againſt the Holy Ghoſt, than a miniſter of Chriſt turning rebel againſt his prince. In the doctrine of the moſt fanatic ſectaries is there to be found ſo abſurd a concluſion! *Clar. Hiſt.* vol. II. p. 17, *& ſeq.*

* Clarendon ſays, that this body of horſe, the only ſtrength the King had to depend on, were few of them better armed than with ſwords; that they were not half the number of the enemies horſe, excellently well armed and appointed. *Clar. Hiſt.* vol. II. p. 1, *& ſeq.*

Ann. 1642. attempt to that purpoſe. Whilſt himſelf and his friends were ruminating on the peril of their ſituation, they received the mortifying intelligence, that Portſmouth, beſiegedby ſea and land by the parliament's forces, would bereduced in a few days *; and that the marquis of Hertford, who it was expected would have gathered a power ſufficient to relieve Portſmouth, was driven out of the Weſt †.

* It was on the ſuppoſition that Goring was enabled to preſerve this important town, which engaged the King to declare himſelf ſo early. That it was not longer defended againſt the parliament's forces, was entirely owing to the ill conduct of the governor, who, though having been equally entruſted by both parties, he had received large ſums from each, to victual and fortify the place; yet on the important criſis when he was obliged to declare himſelf, he was ſo ill provided for a ſiege, that on the parliament's ſecuring the Iſle of Wight, by impriſoning its governer, the earl of Portland, a ſuſpected Papiſt, and ſending a troop of horſe, with the train-bands of the neighbouring county, under the command of Sir William Waller, to inveſt Portſmouth; Goring was obliged to ſurrender the town, on condition of leave to tranſport himſelf beyond ſea, and his officers to repair to the King. Clarendon ſays, that tho' Goring's chief dependance for money and proviſions were from the Iſle of Wight, yet he neglected to ſecure the caſtle and block-houſe that guarded the paſſage, and that thoſe revolted to the parliament as ſoon as he declared for the King. *Whitlock*, p. 60. *Clar. Hiſt.* vol. I. p. 550, *& ſeq.* and vol. II. p. 15. *Parl. Hiſt.* vol. XI. p. 363.

† The king expected great things to be performed in his favor by the marquis of Hertford, who had the aſſiſtance of the lords Pawlet, Hopton, Stawel, Coventry, Berkley, and Windham, with many other gentlemen of intereſt and property in the Weſtern parts. The marquis of Hertford wrote in the following triumphing ſtyle to the queen: "I am with all ſpeed to repair to the Weſt, to put his majeſty's commiſſion of array in execution, which I make no doubt to perform without any great difficulty, if God ſo proſper us as I truſt he will in ſo good a cauſe. We ſhall then ſhortly, I hope, be bleſt with your majeſty's long wiſhed-for preſence, and hey then down go they; and to our greater encouragement, Sampſon (Goring) is come over to us. Your majeſty may perceive

THE King, in his way to Nottingham, had attempted Ann. 1642. Coventry; but this ſpirited city ſhut their gates upon him, fired at his men, and obliged him to retire. In that anxiety of mind which circumſtances alarming as theſe occaſioned, heightened by ſuperſtitious apprehenſions ariſing from the accident of the ſtandard's being blown down by a high wind *, the nobility about the King preſſed him to ſend an immediate meſſage to the parliament, with overtures of peace; but the obſtinacy of this prince's temper was rather encreaſed than ſubdued by oppoſition: "No misfortunes attending my endeavor to defend myſelf (ſaid he) can expoſe me to more evil than a treaty at this juncture, where I muſt be underſtood to be willing to yield to whatſoever they ſhall require of me †." Thus reſolved, the King broke up the council; but the next day the earl of Southampton, a man of reputation with the party, re-urged the advice, as an expedient that might do good and could do no harm: that the King's propoſition for peace would in all probability be rejected; and therefore it would bind him to no conditions: that it would incline the people more to

perceive that I hope well, that I preſume to be thus merry with you." Hertford was driven out of the Weſt by the aſſiſtance of the yeomanry only, the prime gentry of thoſe parts being, for reaſons already ſpecified, engaged for the king. *Parl. Hiſt.* vol. XI. p. 365. *Clar. Hiſt.* vol. II. p. 4.

* Clarendon very gravely enumerates this accident amongſt the ill preſages which attended the melancholy ſtate of the King's affairs. *Clar. Hiſt.* vol. I. p. 557.

† The King imagined that no other ill conſequences could attend his puſhing matters to the utmoſt extremity, than the ſacrifice of his followers. His perſon and office he thought too eſſential to the government of the country, to ſuffer from the ill chances of ſo unpromiſing a war.

ſerve

Ann. 1642. ſerve him: that the parliament had before Sherborn, Portſmouth, and Northampton, three ſeveral armies, the leaſt of which was ſtrong enough to drive him out of his dominions: that it was better to ſeem to deſire peace *, which would render him gracious to the people, than to ſuffer himſelf to be taken priſoner: that if the parliament refuſed to treat, they would loſe the hearts of the people, who would then believe that the war was, on his majeſty's part, purely defenſive: that the overture would neceſſarily produce ſome pauſe and delay in their motions, by the debate it would occaſion: that his majeſty, ſo far from ſlackening his preparations, might be more vigorous in haſtening the levies for which his commiſſions were out. This laſt conſideration prevailed on the King: the earls of Southampton and Dorſet, Sir John Colepeper and Sir William Udal, were ſent with a meſſage, to the following purport,

Overtures of peace. to the two houſes †: That the King had, with unſpeakable grief of heart, long beheld the diſtractions of his kingdom; that his ſoul was full of anguiſh, till he could find ſome remedy to prevent the miſeries which were ready to overwhelm the nation by a civil war. After a long exordium of the ſame nature, the King propounded to the parliament, to appoint perſons to treat with a like number authorized by him. After many general profeſſions that nothing ſhould be wanting on his part which might advance the true

* Clarendon owns, that it was taken for granted, that the King's propoſitions for peace would be rejected; and that, for this reaſon, they ought to be made. *Clar. Hiſt.* vol. II. p. 6.

† The third day after the ſtandard was ſet up.

Pro-

Proteſtant religion, oppoſe Popery and ſuperſtition, Ann. 1642. and ſecure the law of the land, on which was built as well his juſt prerogative, as the property and liberty of the ſubject; he concluded with aſſuring them, that nothing but his Chriſtian and pious care to prevent the effuſion of blood, had begot the motion, his proviſion of men, arms, and money, being ſufficient to ſecure him from violence, till it pleaſed God to open the eyes of his people.

THE earl of Southampton and Sir John Colepeper arrived in town before the reſt of the embaſſy. Southampton went ſtraight to the houſe of peers, and took his place; but as he had declared hoſtilities againſt the parliament, by attending the King's ſtandard, he had ſcarce ſet down when he was ordered to withdraw *. Having informed the houſe, that he had a meſſage from the King, the gentleman-uſher was ſent after him, to require him to deliver it. On his pleading the King's command to deliver it himſelf to the houſe, they paſſed an order for his ſending it; and commanded him to depart the town immediately, on his peril, acquainting him, that the reaſon why they did not further proceed againſt him, at this time, was his being employed by the King in buſineſs to the

* Though the Lords could not have acted otherwiſe than as related, without condemning the cauſe they ſtood engaged to defend, yet Clarendon animadverts on the tranſaction as an abſurd conduct in the upper houſe, who had always been uſed to treat a privy-counſellor with reſpect, not to let Southampton, againſt whom, he ſaid, no public objection had been made, deliver a meſſage from the King, in his own place, as a member. *Clar. Hiſt.* vol. II. p. 8.

houſe.

Ann. 1642. houſe. Sir John Colepeper, who at the ſame juncture attended the houſe of Commons, by a more modeſt conduct had gained admittance. On his forbearing to go into the houſe till he had aſked leave, they permitted him to deliver his meſſage at the bar of the houſe; but immediately to withdraw. The parliament waſted no time in unneceſſary diſputes: within two days a meſſage was diſpatched to the King, in which they told him, That till he ſhould recal his proclamations and declarations, whereby the earl of Eſſex and both houſes of parliament, and thoſe who had obeyed and executed their commands, were declared traitors; and till the ſtandard was taken down, they could not, by the fundamental privileges of parliament, the public truſt repoſed in them, or the good and ſafety of the kingdom, give any other anſwer to his propoſal. The ſudden determination of this buſineſs gave ſuch an alarm to the royaliſts, that the King was adviſed to give over his thoughts of conqueſt, to make all imaginable haſte to London, and appear in parliament, before they had any item of his intention. This ſeaſonable propoſition was rejected with diſdain; but the parliament having ſent down their principal officers to Northampton, to put that army, which lay adjacent to the King's quarters, in a readineſs to march, it was thought neceſſary to amuſe them by another meſſage; in which the King promiſed to recal his proclamations and declarations, provided they would revoke theirs againſt thoſe who had aſſiſted him†. The parliament, per-

† In this meſſage the King denied that he had ever declared both houſes of parliament traitors, or deſigned to ſet up his ſtandard againſt them; though

ceiving the King's aim, immediately diſpatched the Ann. 1642. meſſenger * with an anſwer, in which they accuſed the King with the duplicity of his conduct, of hoſtile inſtructions ſent to his commiſſioners of array, ſince his pacific profeſſions: they required him to diſband his forces, and return to his parliament, where he would find ſuch expreſſions of their fidelity and duty, which ſhould aſſure him that his ſafety, honor, and greatneſs, could only be found in the affections of his people, and in their ſincere counſels†.

though, in his proclamation for ſuppreſſing the preſent rebellion, under the command of Robert earl of Eſſex, he declares him and his adherents traitors; and ſays, that that inſolent and prodigious commiſſion of captain-general over the whole kingdom of England, and dominion of Wales, was granted the ſaid earl, in the name of the two houſes of parliament. Were not the King's diſtinctions more refined and more unintelligible than that which the parliament made between the perſonal and political capacity of the King; a diſtinction which has been ſo much ſcoffed at by thoſe who cannot, or will not ſee the real difference that exiſts in this caſe? *Ruſhworth*, vol. IV. p. 769.

* The lord Falkland, who brought this ſecond meſſage, was received in the ſame manner as had been Sir John Colepeper. *Parl. Hiſt.* vol. XI. p. 413.

† The King having ſent a third meſſage to the parliament, in which he endeavored to exculpate himſelf, and throw the entire blame of the war on them, they returned the following anſwer: That when they conſidered the oppreſſions, rapines, firing of houſes, and murders, committed on his majeſty's good ſubjects, even now a treaty was propounded by thoſe men whom he thought himſelf bound in conſcience and honor to protect, as perſons doing their duty, they could not think that he had done all that was in his power to prevent the preſent diſtractions: That they had offered to him every thing a treaty could produce, viz. ſecurity, honor, ſervice, ſupport, and all other effects of loyal, humble, faithful ſubjection, ſeeking nothing but that religion, Liberty, the peace of the kingdom, and ſafety of the parliament, might be ſe-

Ann. 1642. Impolitic declaration of parliament.

To encourage thoſe who had lent large ſums to the public, the two houſes publiſhed a declaration, in which they proteſted, that they would not lay down their arms till the King had withdrawn his protection from delinquents, and left them to the juſtice of the parliament, that they might ſerve as a warning to ſucceeding generations, bear thoſe burthens which the common-wealth had ſuffered ſince his majeſty's departure from his parliament, and repay thoſe large ſums which his well-affected ſubjects had lent to the aſſiſtance of the common-wealth. This declaration, intended to encourage the vigor and ſpirit of the party, not being ſeconded by action, was attended with evil conſequences; it convinced all thoſe who had acted for the King, that the preſervation of their

cured from the open violence and cunning practices of a wicked party: That there were no competent perſons to treat between the King and parliament: That by perſiſting to ſhield wicked inſtruments he endangered himſelf and kingdom, whilſt they were willing to hazard themſelves to preſerve both: That his proteſtations of regard to his Proteſtant ſubjects of Ireland, or reſolution to maintain the religion and laws of this kingdom, could not give ſatisfaction to reaſonable men, whilſt Iriſh rebels, with their agents, were admitted to his preſence with grace and favor, and ſome of them employed in his ſervice; whilſt cloaths, munition, horſe, and other neceſſaries bought by the parliament for the ſupply of the army againſt the Iriſh rebels were violently taken away, by his command, and applied to the maintenance of an unnatural war againſt his people here: That notwithſtanding this, if he would be pleaſed to come back to his parliament, without his forces, they ſhould be ready to ſecure his royal perſon, crown, and dignity, with their lives and fortunes: That his preſence in his great council was the only means of a treaty with hope of ſucceſs: That they only intended the good of the kingdom, and were not to be diverted from that end by any private or ſelf-reſpects whatſoever. *Parl. Hiſt.* vol. XI. p. 423, *& ſeq.*

fortunes

fortunes depended on the ſupport of his power: the moderate royaliſts, who, though they had been incited by miſtaken intereſt and puerile prejudices to act againſt the public peace, wiſhed well to the freedom of the conſtitution, grown deſperate by this ill-timed threat, entered into the moſt violent counſels of the party. The King's levies, and other warlike preparations, from this period were carried on with great expedition. The parliament, on their ſide, ordered the diſperſed bodies of their troops to march to Northampton *. When the earl of Eſſex, who had been attended out of town with great pomp, amidſt the acclamations of the people, joined the army, it amounted to fifteen thouſand men. The King found it neceſſary to decamp from Nottingham, and retire into the Weſt †. Nothing would have been more eaſy, in this his retreat, or whilſt he lay at Nottingham, for the parliament's troops to have diſſipated the ſmall handful of his followers; and either to have taken him priſoner, or obliged him to fly the kingdom ‡: but this opportunity was miſſed by the too Ann. 1642.

* All proſpect of peace being now vaniſhed, and the nation already plunged in the horrors of civil war, the parliament paſſed an order for ſuppreſſing ſtage-plays, during the continuation of the public calamities, and another for the baniſhment of the Capuchin friars at Somerſet-houſe, and the demoliſhing all the monuments of idolatry there erected. *Parl. Hiſt.* vol. XI. p. 411, *& ſeq.*

† The King, for want of draught-horſes, had not been yet able to bring up his artillery from York.

‡ It has been imagined, that the popular leaders, from motives of policy, neglected to take this advantage of the King's weak condition; but I cannot ſee that the protraction of the war promiſed any other advantages to the moſt ſanguine of the party, than thoſe that would have naturally flowed from this event, in concurrence with the King's reſtleſs

Ann. 1642. cautious diſpoſition of the earl of Eſſex, who had not yet received his inſtructions; a fatal neglect, occaſioned by the ſanguine hopes of the parliamentary leaders *, who depending on the King's unpopular character, and judging the ſentiments of the fickle vulgar by the liberal warmth and manly ſteadineſs of their own feelings, they regarded it as impoſſible for him to raiſe a force ſufficient to encounter their army †; that the nobility and gentry would ſoon be weary of maintaining the troops already on foot; and thus they ſhould accompliſh their deſigns without ſpilling the blood of their countrymen. This fond hope loſt the favorable moment, which would have reſtored with triumph to the cauſe of Liberty, the public peace: A moment irretrievable, ſince the deſtruction of that cauſe was the fatal conſequences of the protracted war.

The King retreats to Shrewſbury.

CHARLES was ſuffered to retreat to Shrewſbury, without moleſtation: when he arrived at Wellington ‡, he

deſire of rule, and his promptneſs to enter into imprudent meaſures, ſtimulated by the petulant intrigues of the queen and her party.

* The dilatorineſs of proceedings, in this important buſineſs, muſt be entirely imputed to the lower houſe: the Lords ſent ſeveral meſſages to them, to haſten the inſtructions, which, they ſaid, ought to be given to the general before he marched the army.

† It is ſaid, that Mr. Pym and Mr. Hampden did ſay to Sir Benjamin Rudyard, That the King could never be able to raiſe an army to oppoſe the parliament. Had not theſe two great patriots thought too highly of the groſs and ſervile conceptions of the multitude, much miſchief would have been avoided. *Heath's Chronicles*, Ed. 1676, p. 36.

‡ Within a day's march of Shrewſbury, the place he had appointed for the rendezvous of his whole army.

caſed his military orders to be read at the head of each regiment. After this ceremony, himſelf addreſſed the troops in the following ſtyle: He could not ſuſpect their reſolution; their conſcience, their loyalty, had brought them together to fight for their religion, their King, and the laws of the land; they ſhould meet with no enemies but traitors, moſt of them Browniſts, Anabaptiſts, and Atheiſts, who deſired to deſtroy both church and ſtate, by whom they had already been condemned for their loyalty to the King: that they might ſee, he ſaid, what uſe he intended to make of their valor, if it pleaſed God to bleſs it with ſucceſs, he thought fit to publiſh his reſolution in a proteſtation. He did promiſe, in the preſence of Almighty God, that he would defend the true Proteſtant religion, eſtabliſhed in the church of England; he deſired to govern by the known laws of the land; he did ſolemnly and faithfully promiſe to maintain the juſt privileges and freedom of parliament, and particularly to obſerve thoſe laws to which he had aſſented; if the great neceſſity and ſtraits into which he was driven did beget any violation of theſe, he hoped it would be imputed, by God and man, to the authors of the war, and not to him, who had ſo earneſtly laboured for the preſervation and peace of the kingdom. Ann. 1642. Proteſtation.

THE multitude, whoſe blind, fatal credulity no experience can enlighten, ſwallowed the airy bait; nor could the well known inſincerity of the King's temper, nor the neceſſity of his circumſtances, enforcing him to ſpeak a language foreign to his nature and his prejudices,

Ann. 1642. judices, prevent the vulgar of all ranks from being caught by the cajoling ſpeeches which he made to the people in all the counties as he paſſed. The inhabitants of Derby, Stafford, and Shropſhire, returned his flattery with paſſionate expreſſions of affection to his perſon, and adherence to his fortunes: in Shrewſbury he met with as favorable a reception, a ſmall party of parliamentarians having been driven out of the town by the very fame of his popularity *. He was no longer in want of money; the gentry not only ſupplied him with their purſes, but their plate; and undertook at their own charge, to make levies of horſe and foot. The two univerſities, who, to the diſgrace of ſcience and academic breeding, had ever been the ſervile tools of the court, poured in their hoarded treaſures, both private and public, to ſupport it in its tottering ſtate †.

The King gains recruits of men, money, and arms.

Clarendon's Hiſt. vol. II. p. 24.

* This town, declaring for the King, gave him a communication with all North-Wales. Eſſex, amongſt his other omiſſions, neglected the ſecuring Shrewſbury, which would have deprived the King of this advantage.

† This learned body, by cajolements and promiſes, impoſed on the lord Say, or the King would have been deprived of this reſource. Sir John Byron had been driven, by the parliament's forces, out of Oxford; and it was propoſed, in a council of war, to ſecure the place by garriſon, being of importance by its ſtrength, its ſituation in a plentiful country, and its nearneſs to London, beſides notoriouſly diſſaffected to the cauſe of Liberty. A counſel thus wiſe and provident was rejected. The lord Say, lieutenant of the county, through an ill-timed affectation to patronize learning, complied with the inclinations of the univerſity, whoſe head-officers had waited on him in a body, and, with many flattering proteſtations, engaged themſelves not to act againſt the parliament. The more vigilant Oliver Cromwell, a member for the town of Cambridge, had ſeized on the magazine lodged in the caſtle, and hindered the carrying off plate from that univerſity to the value of

Ann. 1642. Fallacious conduct of the King and Papiſts.

For the benefit of the common cauſe, a piece of mockery was kept up between the King and the Papiſts: whilſt theſe took the oaths of ſupremacy and allegiance, and made formal profeſſion of Proteſtantiſm, the King publiſhed a proclamation, commanding the laws to be put in execution againſt recuſants; directed the judges to enquire into this buſineſs, on their circuits; and forbid that any ſhould be employed in his ſervice, that refuſed to take the oaths. Whilſt he reſided at York, his court was crouded with converts †; they ob-

of 20,000l.: but they afterwards found means to convey their treaſure to the King, who was ſo well ſupplied with gold and ſilver, that he erected a mint at Shrewſbury; and it is to be ſuppoſed there was no want of metal, for Clarendon complains that, for the ſcarcity of workmen and inſtruments, they could not coin quite 1000l. a week: "The King, ſays this hiſtorian, cauſing all his own plate for the ſervice of his houſhold, to be delivered into the mint, made all other men think theirs was the leſs worth preſerving." Abſurd obſervation! becauſe the King, to pay an army he had raiſed to ſupport his authority, ſacrificed his plate, did it leſſen the value of other men's? *Whitlock*, p. 60. *Parl. Hiſt.* vol XI. p. 388.

† A letter of intelligence of the late affairs in Yorkſhire, which the parliament had received, mentions, that ſince the King's proclamation for raiſing his ſtandard, there were great rejoicings among the Papiſts, who flocked from Ireland, Lancaſhire, and all parts of Yorkſhire to York; that the King had ſent out warrants, to call to his ſervice all recuſants, horſe, and arms; and that many recuſants, to make themſelves capable of command, did reſort to church. Doubtleſs, animadverts the letter, the King's deſign muſt be otherwiſe than is expreſſed in the proclamation for raiſing the ſtandard; for if it were the defence of the Proteſtant religion, the laws of the land, and the privilege of parliament, ſo often repeated, we conceive the Papiſts, who hate them all, would not ſo much rejoice, nor ſhew themſelves ſo forward to aſſiſt the ſervice. This letter farther adviſes, that the earl of Cumberland, lord Saville, lord Fauconberg, all or moſt of the commiſſioners of array, and other gen-

Ann. 1642. tained employments of importance in his army, and were made commiſſioners of array: among the inha-

gentlemen of the county, met in the deanery at York, and there, with great ſecrecy, framed a petition, which they ſent up to the parliament; but that, when it was divulged, it was diſliked by a great number of the gentry of the county: that there were continual meetings and conſultations at the deanery, of dangerous and high conſequence, contrary to the laws of the land, and the liberty of the ſubjects, to join in aſſociations with other counties; to maintain the petition; to raiſe an army of horſe and foot; to conſtrain all perſons to contribute to the charge; and to diſarm and impriſon all ſuch gentlemen who either oppoſed theſe oppreſſions, or denied their aſſent: that the officers of the train-bands had already taken both money and arms from the people: that the houſes of the gentry of the country, adverſe to theſe meaſures, had been pillaged by the King's army; in particular Sir Henry Cholmley's and Mr. Marwood's houſe: that Mrs. Marwood and her ſervants were threatened with death to diſcover where her huſband was, whom they threatened to cut in pieces before her face, calling her proteſtant whore and puritan whore: that they broke open ſeventeen locks, took away money to the value of 120l. and all the plate they could find: that many looſe people threatened to pillage and deſtroy all the roundheads, under which name they comprehended all ſuch as did not go their ways. The letter finiſhes with a propoſal that the parliament complied with, viz. that they ſhould paſs an order, that thoſe ſubjects who ſuffered in their eſtates by the licentiouſneſs of the cavaliers, ſhould have full reparation and damage out of the eſtates of ſuch perſons of wealth, who, with their preſence and aſſiſtance, did countenance theſe diſorders; that a ſufficient proportion of powder, arms, &c. ſhould be ſent down, to furniſh thoſe whom the malignant party had diſarmed; and that commiſſions for ſuppreſſing inſurrections and unlawful tumults ſhould be ſent down. Lord Clarendon, who dilates largely on ſome rapines that were committed by the parliament party on the houſes and property of Papiſts, is both ſilent on the order that paſſed both houſes againſt theſe plunderers, and on the many enormities of the like nature, that were committed by the royaliſts in Yorkſhire, and in every county where they were not kept under by the ſuperior ſtrength of their opponents. This petition, which, in a manner, threatened the parliament with the petitioners taking up arms againſt their authority; and, with infinite exaggera-

bitants of the weſtern parts of England, who had ex- Ann. 1642.
preſſed a more abundant affection to the King, were many popiſh recuſants; a treaty for a loan was ſoon ſet on foot, and a large contribution obtained, on the pretence of advancing two or three years of compoſition-money *. Such indeed was the diſpoſition of the country for granting loans and contributions, that from the low ſtate the King was in at Nottingham, within twenty days after his arrival at Shrewſbury, he found himſelf in a condition to meet the parliamentary forces; his army, amounting to ſix thouſand foot and two thouſand horſe, was furniſhed with arms from the Nottingham train-bands †, and the armories of the noblemen and gentry affected to the cauſe ‡. It was attended by a good train of artillery, augmented by carriage-horſes and waggons, prepared by the par-

aggerations, mentions ſome devaſtations which Sir John Hotham had been neceſſitated to commit in his defence of the town of Hull, and which the parliament had promiſed to repair to the ſufferers, was termed by the Lords, one of the higheſt and moſt inſolent petitions that ever came before them, and for which they were reſolved to have juſtice. *Parl. Hiſt.* vol. XI. p. 335, *& ſeq.* 381, *& ſeq.* 405.

* The compoſition itſelf being a ſuſpenſion of eſtabliſhed laws, was an illegal compact; it made the King's proclamation on the ſubject of putting the laws in execution againſt recuſants a contemptible farce, ſince thoſe with whom he had made compoſition were ſuppoſed to be exempted from other penalty. Clarendon ſays, that it concerned the King much that this tranſaction with the Papiſts ſhould be kept a ſecret, to avoid the ſcandal of a cloſe conjunction with them. The King raiſed 6000, by creating Sir Richard Newport a baron.

† The Nottingham train-bands had refuſed to ſerve out of their county, but were compelled to part with their arms.

‡ The vigilance of the earl of Warwic had prevented the King from receiving any farther ſupply from Holland.

Ann. 1642. tained employments of importance in his army, and were made commiſſioners of array: among the inha-

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bitants of the weſtern parts of England, who had expreſſed a more abundant affection to the King, were many popiſh recuſants; a treaty for a loan was ſoon ſet on foot, and a large contribution obtained, on the pretence of advancing two or three years of compoſition-money *. Such indeed was the diſpoſition of the country for granting loans and contributions, that from the low ſtate the King was in at Nottingham, within twenty days after his arrival at Shrewſbury, he found himſelf in a condition to meet the parliamentary forces; his army, amounting to ſix thouſand foot and two thouſand horſe, was furniſhed with arms from the Nottingham train-bands †, and the armories of the noblemen and gentry affected to the cauſe ‡. It was attended by a good train of artillery, augmented by carriage-horſes and waggons, prepared by the par- Ann. 1642.

aggerations, mentions ſome devaſtations which Sir John Hotham had been neceſſitated to commit in his defence of the town of Hull, and which the parliament had promiſed to repair to the ſufferers, was termed by the Lords, one of the higheſt and moſt inſolent petitions that ever came before them, and for which they were reſolved to have juſtice. *Parl. Hiſt.* vol. XI. p. 335, *& ſeq.* 381, *& ſeq.* 405.

* The compoſition itſelf being a ſuſpenſion of eſtabliſhed laws, was an illegal compact; it made the King's proclamation on the ſubject of putting the laws in execution againſt recuſants a contemptible farce, ſince thoſe with whom he had made compoſition were ſuppoſed to be exempted from other penalty. Clarendon ſays, that it concerned the King much that this tranſaction with the Papiſts ſhould be kept a ſecret, to avoid the ſcandal of a cloſe conjunction with them. The King raiſed 6000, by creating Sir Richard Newport a baron.

† The Nottingham train-bands had refuſed to ſerve out of their county, but were compelled to part with their arms.

‡ The vigilance of the earl of Warwic had prevented the King from receiving any farther ſupply from Holland.

Ann. 1642. liament for the ſervice of Ireland; and which the King ſeized on, as they lay at Cheſter ready for tranſportation *.

THIS unexpected dawn of fortune was brightened by a ſmall advantage prince Rupert had gained, in a ſkirmiſh at Worceſter, where colonel Sandys, a Kentiſh gentleman, in the ſervice of the parliament, was killed. Elated with this ſucceſs, the King left Shrewſbury; and, in order to bring on an action, directed his courſe towards London. The inſtructions which Eſſex had received from the parliament imported, that he ſhould preſent a petition to the King, to return to parliament †; which if he complied with, all the forces but thoſe neceſſary to ſecure his return, were to be diſ-

* The earl of Leiceſter conſtantly refuſing to deliver theſe up to the King, one Errington, a ſervant of the earl's, was bribed to demand them, in his maſter's name.

† The parliament in this petition complain, That a prevailing party with his majeſty had excited, encouraged, and foſtered an unnatural rebellion in Ireland: That they had endeavored to begin the like maſſacre here, but being therein diſappointed, they had, as the moſt miſchievous deſign of all, drawn his majeſty to make war againſt his ſubjects of this kingdom, leading in his perſon an army againſt them, as if he intended by conqueſt to eſtabliſh an unlimited and abſolute power over them: That this army, by his power, and the countenance of his preſence, had ranſacked, ſpoiled, impriſoned, and murthered ſeveral of his people. The petition finiſhes with a promiſe that, on the King's return to the parliament without his forces, they would receive him with all honor, yield him all due obedience and ſubjection, and faithfully endeavor to ſecure his perſon and eſtate from all dangers, and, to the utmoſt of their power, procure and eſtabliſh to his people all the bleſſings of a glorious and happy reign. *Ruſhworth*, vol. V. p. 18, *& ſeq.*

[illegible]

banded:

banded: that he ſhould, by battle or otherwiſe, reſcue Ann. 1642.
him and the royal family from the malignant faction: that he ſhould offer pardon to ſuch who would return to their duty in ten days, excepting to thoſe who had been voted againſt in either houſe of parliament, for delinquency, or impeached for treaſon, excepting the duke of Richmond, the earls of Briſtol, Cumberland, Newcaſtle, Rivers, Carnarvon, the lords Newark, Falkland, ſecretary Nicholas, Endymion Porter, and Edward Hyde. Immediately after the receipt of theſe inſtructions, Eſſex ſent a meſſenger to Shrewſbury, to know when the King would receive the petition he was appointed to deliver to him. The tone of the court was now elevated to that degree, that the petition was refuſed to be accepted, if ſent by any perſons who ſtood perſonally accuſed by his majeſty of high-treaſon, and ſpecially excepted in all his offers of pardon. This reſtriction, ſo derogatory to the honor of parliament, was rejected with diſdain by their general *, who hearing that the King, with all his army, was gone from Shrewſbury †, moved from Worceſter to attend him.

* Eſſex afterwards, by the command of parliament, ſent, with a letter from himſelf, three of their votes, relative to the conditional terms the King annexed to the receiving their petition, with a deſire of a ſafe-conduct for ſuch as ſhould be ſent with it. The anſwer the King returned was, That, if juſtice had been done, Mr. Copley, the gentleman that brought the letter and votes, could not expect his liberty; and for the petition, he would not receive it by the hands of ſuch as he had by name proclaimed traitors: That having now declared Eſſex the principal in that number, he would not receive it by his addreſs. Lord Clarendon, either ignorantly or wilfully, has not repreſented this fact juſtly. *Parl. Hiſt.* vol. XI. p. 455.

† The parliament and city of London were much alarmed at their army's remaining a day at Worceſter, after the King had left

Ann. 1642. Though Worceſter and Shrewſbury are within twenty miles of each other, the King marched ten days in total ignorance of Eſſex's motions. At Edg-cot, a village in Northamptonſhire, at twelve o'clock at night, he received intelligence from his nephew prince Rupert, of the near neighbourhood of the parliament's army; and that it would be in his power to fight a battle the next day *. The King reſolving on the attack, his army was drawn together on Edg-hill within two miles of the enemy. Eſſex was as little acquainted with the numbers as the motions of the royaliſts †; neither was

October 23. Battle at Edg-hill.

Shrewſbury; they haſtened the marches of their general, by continual diſpatches; and recalling the earl of Warwic from his naval office, appointed him captain-general of all the forces raiſed or to be raiſed in and about London. Orders were likewiſe given for the ſhutting up ſhops, and a temporary forbearance of trade. *Ruſhworth*, vol. V. p. 33.

* It is ſaid, that the King rejoiced at the preſented opportunity, and, on viewing the parliament's army through a proſpective glaſs, cried out, "I never ſaw the rebels before in a body! I am reſolved to fight them! God and good men aſſiſt my righteous cauſe!" It may not, perhaps, be improper to contraſt the King's feelings with thoſe of the emperor Otho, on an occaſion ſomewhat ſimilar. Charles, in hopes of a victory, which would put him into poſſeſſion of abſolute power, and give him a complete conqueſt over the laws and conſtitution of his country, inſtead of ſhewing repugnance, rejoiced at the approaching moment which was to deluge the land with the blood of his countrymen and ſubjects. Otho, who though a man ſo low in character as to have been the friend and paraſite of Nero, had not by that connection ſo entirely ſubdued Roman feelings, as to live the author of the diſtreſſes of his country. Though the quarrel he was engaged in was not of that nefarious nature as the eſtabliſhment of tyranny on the ruins of Liberty (that had been already effected) yet, to avoid the ſhedding Roman blood, he deprived himſelf of being, and left to his rival the undiſturbed poſſeſſion of Imperial ſway. *Heath's Chronicle*, p. 40.

† Whilſt the King was in ignorance of the near neighbourhood of the parliament army, he deſigned to attack Banbury; which was the intel-

his own army compleat, two of his beſt regiments of foot, and one of horſe, being a day's march behind, with the ammunition *. On this ſurprize he performed the part of a good general, and drew up his men to as much advantage as circumſtances would allow. His right wing, compoſed of a body of foot, and two bodies of horſe, were drawn up near the town of Keinton; his left wing, compoſed of a ſtrong body of foot and one thouſand horſe, was commanded by Ramſey, a Scotſman; and the centre by Sir William Balfour, under the earl of Bedford, general of the horſe; Eſſex himſelf reſolving to charge in perſon at the head of a regiment of foot. The centre of the King's army was commanded by Sir John Byron, the right wing by prince Rupert, and the left by colonel Wilmot; whilſt Lindſey placed himſelf in a ſituation ſimilar to that which the earl of Eſſex had choſen †. The King, through an indiſcreet partiality, had rejected the greater experience of the old earl of Lindſey ‡, and followed the opinion of his nephew prince Rupert §, in the forming his army,

Ann. 1642.

intelligence Eſſex had received of his intended motion. *Parl. Hiſt.* vol. XI. p. 474.

* Beſides this deficiency, Eſſex had left one regiment at Hereford, on the confines of Wales, to prevent the King's friends in this country from falling into Gloceſterſhire, and invading the Weſt; and a third at Banbury. *Parl. Hiſt.* vol. XI. p. 473.

† One Ruthven, who had had the command of Edinburgh-caſtle, was general of the horſe under prince Rupert; Sir Arthur Aſton, a Papiſt, was colonel-general of the dragoons; and Sir Jacob Aſhley was major-general of the foot.

‡ Lindſey had ſerved in the Low-Countries with the earl of Eſſex.

§ Prince Rupert was not twenty-three years of age.

which,

Ann. 1642. which, in direct oppoſition to that under the earl of Eſſex, had its greateſt ſtrength in the two wings.

On the advance of the royaliſts, Sir Faithful Forteſcue, an Iriſhman, who had the command of a troop of cavalry in the parliament's army, ordered his men to diſcharge their piſtols on the ground, and ranged himſelf under the command of prince Rupert *. This treachery ſo intimidated the left wing, where he was poſted, that they fled on the firſt attack. Whilſt Wilmot, the commiſſary-general of the King's horſe, made the ſame impreſſion on the right wing, the runaways were purſued by theſe unexperienced commanders with ſuch raſh precipitation, that carrying away with them the flower of the army, they expoſed the centre, in which were the perſons of the King and his two ſons, to imminent danger. Sir William Balfour, ſeizing the advantage, attacked the King's infantry, quite unfurniſhed with horſe, and made great havoc. Lindſey the general was mortally wounded, and taken priſoner: his ſon, endeavoring his reſcue, fell likewiſe into the hands of the enemy. Sir Edmund Verney the King's ſtandard-bearer was killed †; and, according to the account given by Clarendon, Eſſex had once more an opportunity of

* There were to the number of ſeventeen or eighteen of this troop, who met with the proper reward of their treachery; for, having forgot to fling away the colours of their general, they were killed by the party to whom they deſerted.

† The ſtandard was taken, and brought to the general; but being by him entruſted to the care of his ſecretary, by negligence it fell into the hands of one Smith, of the King's party, who was knighted and made ſtandard-bearer. *Parl. Hiſt.* vol. XI. p. 477.

ſeizing

ſeizing the King's perſon, with his two ſons, but by Ann. 1642. an unaccountable piece of policy forbore the advantage *. Prince Rupert, on his return from pillaging the baggage of the enemy †, found, to his mortification, inſtead of a complete victory, all the ſymptoms of a defeat, and the King with a few noblemen, and a ſmall retinue about him, at the mercy of the victor. In vain did he attempt to renew the fight; the fire of his troops, which had at firſt bore down all before it, was entirely extinct. Both parties, equally reluctant to repeat the bloody ſcene, retreated from farther engagement; but ſpent the night near the field of battle. In this unpleaſant ſituation the parliament-army found ſuperior advantages to their enemies, in the good affections of the common people, who ſupplied them with many refreſhments, which were wanting to the royaliſts.

The returning light diſcovered to both parties the ſight of each other; but though the parliament-army was joined with a body of between three and four thouſand foot, commanded by colonel Hampden, and it was propoſed in a council of war to renew the bat-

* The King remained for ſome time with fewer than 100 horſe, without an officer, within half a muſquet-ſhot of his victorious troops. Eſſex's conduct was ſo contrary to his inſtructions, that it is difficult to vindicate it from the ſuſpicion of treachery.

† In the account the commanders of the parliament-army gave of the event of the battle, they imputed their not meeting with a total defeat wholly to the length of time the King's cavalry ſpent in plundering their baggage. *Parl. Hiſt.* vol. XI. p. 476.

tle,

Ann. 1642. tle, yet Eſſex was the firſt that drew off his men *, and retired to Warwic: thus not only complimenting the King with the honor of the victory, but leaving to him the poſſeſſion of Banbury; which being attacked by the royaliſts immediately after the battle of Edg-hill,

Banbury ſurrenders to the King. ſurrendered on the firſt aſſault, though garriſoned with a regiment of eight hundred foot and a troop of horſe †.

Essex, in friendly quarters, where he was ſupplied plentifully with all manner of proviſions, was in ſuch a hurry to retreat before the King's half-ſtarved army ‡, who, with the diſadvantage of inferiority of numbers §,

* Whitlock ſays, that Eſſex was much preſſed by his friends, and particularly by the officers of the freſh troops, to make an attack on the King's army. *Whitlock*, p. 61.

† Clarendon ſays, that the royaliſts had ſo little hopes of taking Banbury, that it was thought adviſeable by many not to attempt it; that, contrary to expectation, the garriſon, on leave to go away without their arms, kindly delivered up the place; that half the common ſoldiers entered in the King's army; and that the remaining arms ſupplied thoſe ſoldiers of every regiment who had never had arms, or had loſt them at the battle. This was the firſt fruits of Eſſex's ill conduct. *Clar. Hiſt.* vol. II. p. 44.

‡ The King's pretenſions, and the conduct and principles of the cavalier party, were ſo deteſted by the people of this county, that they not only refuſed to give the royaliſt ſoldiers bread, but if any, enforced by the neceſſity of hunger, detached themſelves from the main body of the army to ſeek it, they knocked them on the head. Clarendon ſays, that the people of the country were ſo diſaffected to the King, that they had carried away or hid all their proviſions: the very ſmiths concealed themſelves, that they might not be compelled to ſhoe horſes. *Clar. Hiſt.* vol. II. p. 35, 39.

§ The King's army was originally inferior in number; and Clarendon ſays, that the morning ſucceeding the battle the King found his troops

were very ill provided with arms, that he left many of Ann. 1642. his wounded ſoldiers and his carriages behind him, in the village of Keinton, adjacent to the field of battle; and, that nothing might be wanting to the diſgrace of his troops, and to ſwell the triumph of the King, he ſuffered a ſmall detachment of his army to take away four pieces of his cannon, without moleſtation *. The ſlaughter on both ſides, as to numbers, was near equal: of officers of diſtinction, the parliament loſt the lord St. John of Bletnezzo and colonel Eſſex; whilſt Lindſey, the King's general, the lord Aubigny, brother to the duke of Richmond, the lord Stewart, and Sir Edmund Verney, fell in the cauſe of prerogative †. No

troops very thin; that a third part of his foot was away, and of the horſe many were miſſing. *Clar. Hiſt.* vol. II. p. 39.

* In the relation of the battle, publiſhed by the King, it is aſſerted, that prince Rupert purſued Eſſex's army, in their retreat to Warwic, and took twenty-five of their waggons and carriages, laden with ammunition, medicaments, and other baggage.

Though Eſſex ſhamefully retreated before the King's forces, with all the marks of a defeat, yet, in the letter which was ſent to the parliament by their military committee appointed to attend the army, narrating the particulars of the battle, it is aſſerted, that the King's foot were moſt of them either ſlain or run away; that the earl of Eſſex would have purſued them, but that he was neceſſitated to refreſh his men for three or four days. The letter concludes with the adviſing the writing to the ſouthern counties, to ſtir them up to purſue the runaways. *Ruſhworth*, vol. V. p. 35, 38.

† Influenced by an idle partiality to the rank of prince Rupert, the King had exempted him from ſubjection to the commands of the general. This occaſioned a relaxation of diſcipline; and the preference he gave to the opinion of Rupert was ſo childiſhly reſented by the earl of Lindſey, that, complaining to his friends of the King's partiality, he ſaid, That being only a nominal general, he was reſolved, at the day

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Ann. 1642. man of diſtinction was taken priſoner by the royaliſts; by the parliament-army, the lord Willoughby, Sir Thomas Lunsford, Sir Edward Stradling, and Sir William Vavazor. Both parties, taking advantage of a dubious appearance, pretended to a compleat victory *; but the

Victory claimed by both parties.

of battle, to place himſelf at the head of his regiment, as a private colonel, where he would die. Lindſey was ſo great an enthuſiaſt to the cauſe in which he had engaged, that the officers whom the earl of Eſſex had humanely ſent to viſit him, and to offer him all kind of aſſiſtance, diſguſted with the admonitions and reprehenſions which he plentifully beſtowed upon them, ſoon retired; and his zeal having not ſpared the earl of Eſſex, that nobleman contented himſelf with ſending his beſt ſurgeons to him, and deſiſted from his intention of viſiting him in perſon. Of all thoſe whom whim, prejudice, and ignorance of the true rules of virtue, occaſioned to follow the King's fortune, none have ſhewed more fully the imbecility of their judgment than Sir Edmund Verney and the earl of Clarendon. This laſt tells us, That Sir Edmund Verney was very melancholy, on the proſpect of the war, and ſaid, he did not like the quarrel; that his conſcience was only concerned in honor and gratitude to follow his maſter; that he, having eat his bread and ſerved him near thirty years, would not do ſo baſe a thing as to forſake him; and choſe rather to loſe his life, which he was ſure he ſhould do, to preſerve and defend thoſe things which were againſt his conſcience to preſerve and defend. "Now, ſays Clarendon, if thoſe who had the ſame and greater obligations, had obſerved the ſame rules of gratitude and generoſity, whatever their other affections had been, that battle had never been fought, nor any of that miſchief been brought to paſs that ſucceeded it." That is, if all men who by office, or other favor, were ever connected to the court, had been baſe and ignorant enough to govern their conduct ſo entirely by the obligation of that connection, as to ſupport principles and things contrary to their judgment and conſcience, Liberty would never have found partizans powerful enough to vindicate her cauſe. *Clarendon's Life*, vol. I. p. 135, *& ſeq.*

* The following is the form of the prayer uſed by the King and his party on the day of thankſgiving, and afterwards publiſhed by his authority:

Oh!

city of London had been previouſly alarmed with the news of a total defeat, from a party of Eſſex's horſe, who flying on the firſt onſet, had not recovered their panic ſufficiently to return to the field of action. The King, after he had recruited and refreſhed his army, continued his march, placed a garriſon in Wallingford, and took poſſeſſion of Oxford; a town more at his devotion than any other in the kingdom *: from Oxford he proceeded to Reading †, Ann. 1642.

The King takes poſſeſſion of Oxford and Reading.

"Oh! thou God of hoſts, who goeſt with our armies, and pleadeſt the cauſe of thine anointed againſt them that ſtrive with him; We acknowlege, with all lowlineſs of mind, that it was not our ſword, nor the multitude of our hoſt, that ſaved us in the day of battle; but it was thy hand alone that hath diſpoſed of victory to thy ſervant the King, that coveredſt his head in the day of battle, and haſt kept his crown from being thrown to the ground. Not unto us, therefore, not unto us, but unto thee, O Lord! do we give the praiſe, beſeeching thee to accompliſh the great work thou haſt begun for us; to continue the bleſſings of good ſucceſs on the head of our ſovereign, and on his army, that the happineſs thereof may flow from thence to the very ſkirts of his people; to continue the fear and conſternation which thou haſt already caſt upon the hearts of thoſe who have rebelliouſly riſen up againſt him; to enfeeble their ſtrength, to infatuate their counſels, to undeceive, and diſabuſe the ſeduced part of them, that they may know and feel, that to take up arms againſt thy vice-gerent, is to fight againſt heaven; that ſo, by a timely and conſcientious ſubmiſſion to the juſt authority of him whom thou haſt ſet over them, the effuſion of more blood may be prevented, &c." *Vicar's Parl. Chron.* p. 203, *& ſeq.*

* Theſe zealous academicians, as they had before preſented the King with all their plate, ſo now they gave him all the money they had in their treaſuries. *Clar. Hiſt.* vol. II. p. 53.

† Nicholas, the King's ſecretary, in a letter to the earl of Cumberland, written the day after the battle of Edg-hill, tells him, that the King was marching by Oxford to London, in which place he was to be met by Sir Ralph Hopton, with 10,000 horſe and foot, of his and other gentlemen's raiſing in the Weſt: that there were in Wales 6 or 7000 men, who would be ready, on all occaſions, to come to his majeſty;

Ann. 1642. the governor * and garriſon of that place having fled with precipitation to London, on the approach of a party of his horſe.

Now it was that the proſpect of affairs began to darken: the King, whom Eſſex, after miſſing ſeveral opportunities, might, even at the battle of Edg-hill, have deſtroyed or taken priſoner, was now grown formidable; and the parliament, after dallying with their advantages, found themſelves engaged in a bloody war, whoſe uncertain event rendered precarious the very exiſtence of liberty. The public conſternation was encreaſed by the King's approach to Colebrook, whilſt Eſſex was yet at a diſtance. In theſe alarming circumſtances, the parliament voted an addreſs for a treaty; but, like Roman ſenators, in a time of equal danger, they did not deſpair of the Commonwealth †:

The parliament vote an addreſs for a treaty.

but it was hoped he would not need their help: he had given ſuch a blow to the earl of Eſſex, that neither himſelf nor army would be again in haſte to adventure themſelves againſt the Lord's anointed. This letter coming to the hands of the parliament, was read by their order at Guild-hall to the lord-mayor, aldermen, and common council, with the account of the battle, which was not, as Clarendon aſſerts, a falſe and flattering one, but juſt and candid; the parliament rather endeavoring to raiſe the attention of the city to the preſent danger, and to urge them to means of prevention, than to deceive them with ill-founded hopes. In narrating the hiſtory of the battle, the lord Wharton aſſerted, that prince Rupert and his troops had committed unneceſſary ſlaughter on the perſons of countrymen, women, and children, in the village of Keinton, where was the baggage of the parliament-army. *Parl. Hiſt.* vol. XI. p. 482, *& ſeq.*

* Martin, whom the King had particularly excepted againſt in his offers of pardon, was governor of this place.

† At the ſame time that they voted an addreſs for a treaty, they publiſhed their intention, that the preparation for forces, and all other neceſſary

even in thoſe moments when they imagined the King had gained a complete victory, they talked not in terms of deſpondence, but with great ſagacity and coolneſs proceeded to paſs the following neceſſary orders, viz. That the King's children ſhould be removed into the city; that the neck of land over-againſt Durham-houſe ſhould be fortified; the Papiſts in Lancaſhire ſecured; the priſoners in and about the city more ſtrictly confined; and the ſhops to be ſhut up, that the ſhop-keepers and apprentices might have no employment to prevent their giving their whole attention to the defence of the city. Two ordinances paſſed both houſes; one providing a maintenance for the ſoldiers who ſhould be wounded, and for the families of thoſe who ſhould be killed in the public cauſe; and the other for a faſt, but with exception to the able-bodied men about London, who were to keep themſelves in a readineſs to fight for the public*. After theſe meaſures

Ann. 1642.

Meaſures to ſecure the city.

neceſſary means for the Proteſtant religion, the privilege of parliament, and the laws and liberties of the ſubject, ſhould be proſecuted with vigor. *Parl. Hiſt.* vol. XII. p. 7.

* The parliament, on the firſt item of the King's intention to leave Shrewſbury, had given orders that the train-bands in and about London ſhould be put into a poſture of defence; that the confines of London and Weſtminſter ſhould be defended by guard-houſes, poſts, bars, and chains; and that the train-bands and volunteers of its ſeveral pariſhes ſhould keep watch day and night. The declaration ordering the train-bands to be in readineſs, lays the following charge on the King: That he, by the help and aſſiſtance of the Papiſts, the prelatical and corrupt part of the clergy, the delinquent nobility and gentry, the confluence of proſcribed traitors, and of many deſperate, mercenary, and ill-affected perſons, from all parts of the kingdom, had raiſed an army, for the moſt part armed, cloathed, and fed with the ſpoils of his ſubjects: That wicked counſellors about him did not only hinder him from exerciſing

Ann. 1642. were concluded on, for defending the city, ſecuring

erciſing the juſtice and protection of a King towards his people, but that honor which is obſerved betwixt enemies: That the two following propoſitions were made to one David Alexander, by Sir John Henderſon, a Papiſt, a confident inſtrument of his majeſty's, to aſſaſſinate Sir John Hotham, and put fire to the magazine of the army, raiſed by the parliament. "What is it, ſays the declaration, that moves any honeſt man, or Proteſtant, to aſſiſt his majeſty, in this unnatural and impious war? Is it for fear of ſome innovations and alterations of religion or church-government? Nothing is intended but to take away the government by biſhops, evidently miſchievous to the church and ſtate, with other things which ſhall be found, after conſultation with an aſſembly of learned divines, juſtly offenſive. Is it to uphold the authority, prerogative, and honor of the King, and to preſerve the ſafety of his royal perſon? Surely the parliament is, and ever hath been, ready to do any thing to ſecure theſe. If there be no cauſe, for any of theſe reſpects, to ſeek the deſtruction of the parliament, and the blood and ruin of their kindred, friends, and acquaintance, what remains then to be the matter of the quarrel, and the effects and conſequences of their victory, if they ſhould prevail? That prieſts, Jeſuits, and the pope's nuncios may domineer and govern in the King's councils, as heretofore; that the archbiſhops of Canterbury and York, with their ſuffragans, may ſilence diligent and powerful preaching, baniſh and oppreſs the moſt pious and beſt-affected ſubjects in the kingdom, and introduce the popiſh religion under Proteſtant profeſſion; that the earl of Briſtol, the lord Digby, and other ſuch traitors, may be the arbiters of ſtate affairs, and the diſtributers of preferments and diſgraces to ſuch who ſhall further or oppoſe their deſigns; that delinquents may not only eſcape the juſtice of parliament, but triumph in the ſpoils of all honeſt men and good patriots; that, through our diviſions, the rebels in Ireland may prevail; that we may ceaſe to be a free people, and become the object of cruelty and oppreſſion at home, and of ſcorn and infamy abroad: And if there can be no other fruit of their hazard and endeavor on that ſide, let them conſider whether, by adhering to the parliament, they may not expect effects more ſuitable to the deſires of honeſt men; the glory of God, in the preſervation of his truth; the peace of the church, by ſecuring it againſt the pride, avarice, and ambition of the clergy; the honor, greatneſs, and ſecurity of the King, by freeing him from falſe and

the King's revenue *, and raiſing money; one Sir John Ann. 1642. Evelyn, whoſe timidity had occaſioned him to refuſe to enter into an agreement to aſſiſt the earl of Eſſex with his life and fortune, was ordered to be expelled the houſe, diſarmed, and committed to the Tower †.

THUS calm, thus regular, thus reſolute, was that ſpi-

and traitorous counſels, and eſtabliſhing him in the hearts and affections of his people; and the proſperity of the whole kingdom, by the bleſſings of good laws and a righteous government." After the battle of Edg-hill, on the King's approach to London, lines of circumvallation were ordered to be flung up in and about the city: at theſe works the lower claſs of people, men, women, and children, inceſſantly toiled; whilſt females of fortune, diſcarding the privilege annexed to their ſituation, of being uſeleſs to ſociety, attended the laborers with meat and drink. *Parl. Hiſt.* vol. XI. p. 444, *& ſeq.* 447, *& ſeq.*

* The reſolution for ſecuring the King's revenue had paſſed before the battle of Edg-hill, with the following ones, viz. That ſuch perſons as ſhall not contribute to the charge of the Commonwealth, in this time of imminent danger, ſhall be held fit to be diſarmed and ſecured: That the fines, rents, and profits of archbiſhops, biſhops, deans, and chapters, and of ſuch notorious delinquents as have taken up arms againſt the parliament, or have been active in the commiſſion of array, ſhall be ſequeſtered for the uſe and ſervice of the Commonwealth. This revolution occaſioned the revolt of one of the King's followers, the lord Coventry, who, in a ſubmiſſive letter to the upper houſe, offered 2000l. for carrying on the public cauſe, deſiring to be protected in perſon and eſtate, and to have his arms in Worceſterſhire reſtored to him. *Parl. Hiſt.* vol. XI. p. 446, 453, *& ſeq.*

† Sir John Evelyn deſiring leave to be heard before the cenſure was pronounced by the ſpeaker, the requeſt was complied with; and, on his declaring himſelf in the affirmative to the vote concerning the earl of Eſſex, and offering to lend upon the propoſitions 100l. the houſe revoked their former order. They had before expelled and impriſoned Sir Sidney Mountague, for refuſing their oath of aſſociation, to live and die with the earl of Eſſex. *Parl. Hiſt.* vol. XII. p. 5, *& ſeq.*

ordination,

Ann. 1642. rit which awed the unruly multitude into neceſſary ſubordination, at a time when civil diſcord had diſſolved the bonds of legal obedience; who, whilſt it propoſed defence againſt the hoſtile invaſion of an army, guarded againſt the more dangerous machinations of a malignant faction that lurked in the capital. Whilſt concord reigned among the popular leaders, all oppoſition gave way to the wiſdom of their counſels; but even now malice, envy, and an overweening deſire of ſuperiority, had created faction among them, which not only blaſted the promiſed harveſt of bringing the King, without blood-ſhed, to proper terms of accommodation, but put him in a ſtate more formidable *to the freedom of the conſtitution*, than he had ever yet been, ſince his acceſſion to power. The earl of Northumberland, whom Charles had complimented with the higheſt office of command in the kingdom, looked with an envious eye on the great powers inveſted by the parliament in the earl of Eſſex, and headed a large body of men infected with the ſame venom; whilſt the earl of Eſſex himſelf, entertaining a mean jealouſy of thoſe rational notions of democratical freedom which prevailed in the lower-houſe, and which equally alarmed all the narrow-minded noblemen of the party, had forborn to avail himſelf of thoſe advantages which might have put a deciſive concluſion to a diſpute that now threatened all the horrors of a bloody war. London had not been purged of a large body of male-contents, whom the parliament had diſcharged from public ſervice on ſuſpicion of their principles; even amongſt the citizens, whoſe zeal for Liberty had been ſtimulated by ill uſage received from the Stewart family,

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Large faction in favor of the court.

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Ann. 1642. and ſeveral other towns, which had declared for the parliament; whilſt his well-wiſhers in both houſes, taking advantage of that conſternation which the earl of Eſſex's backward conduct had occaſioned, propoſed a peace, as the only means to ſecure the public from danger. This motion was powerfully ſeconded by thoſe who were envious of the military commanders, and by men of nominal greatneſs, who wanted the prop of monarchy to ſupport their inſignificance againſt the towering virtues of the popular leaders.

Artful conduct of the King's enemies.

THE tide within and without doors running too ſtrong in favor of pacific meaſures, to attempt oppoſition, the anti-court party not only gave way to the motion *, but ſeconded it, artfully inſinuating, that care ſhould be taken, that a too great zeal for peace might not be a means to leave them in the power of the enemy; that ſuch meaſures ought to be purſued for the continuation of the war as ſhould convince the King, that they were not reduced ſo low as to accept of the terms he pleaſed to impoſe. This advice being too ſagacious to be rejected by the majority of parliament, it produced the following reſolutions: That his majeſty ſhould be addreſſed for ſettling the peace of the kingdom: That the preparation of forces, and other neceſſary means for defence, ſhould be proſecuted with vigor, if an honorable and ſafe peace might not be obtained:

* The motion for peace was firſt made in the upper houſe. *Parl. Hiſt.* vol. XI. p. 489.

tained: That the Scots ſhould be applied to for aſſiſtance, in caſe there ſhould be any occaſion. A meſſenger was diſpatched from both houſes, to deſire of the King a ſafe-conduct for a committee of Lords and Commons, to attend him with an humble petition from parliament *. The meſſenger found him at Reading, whoſe cowardly garriſon had not a little contributed to elevate the royal ſtyle. The King abſolutely refuſed to receive any committee that conſiſted of perſons whom he had declared traitors; and though the parliament had before voted ſuch an exception a breach of their privilege, they had now the complaiſance to ſend a letter the next day to lord Falkland, to deſire a ſafe-conduct for the earls of Northumberland and Pembroke, with four members of the houſe of Commons †. One of theſe being Sir John Evelyn, whom the King had excepted againſt in a proclamation of pardon to the county of Wilts ‡, he was omitted in the ſafe-conduct, with a ſignification, that any other perſon not ſubject to the ſame cenſure ſhould be received as if his name was inſerted. The parliament voted this anſwer a denial; but faction within doors, and clamor without, ſo diſtracted their counſels, that, on the King's advance to Colebrook, they condeſcended to ſend the perſons

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* This was in compliance with the King's exception to the receiving any addreſs from the earl of Eſſex.

† The lord Wenman, Mr. Pierpoint, Sir John Hippeſly, and Sir John Evelyn.

‡ This proclamation had come out but the day before the petition was received. Such proclamations, with exceptions, had been publiſhed in all the counties which had taken up arms for the parliament.

Ann. 1642. he had named in the ſafe-conduct, to petition him to fix on ſome place in the neighborhood of London to reſide, whilſt they treated with him on propoſitions of peace *. The King returned anſwer, that he ſhould

* One of the reaſons the parliament gave the city for this their condeſcenſion, was the ſafety of the King's perſon, that having been in ſome hazard the laſt battle; and that they hoped, as he had now ſeen ſo much blood ſhed about him, he would be more tractable to good conditions of peace than he had been before. Mr. Pym aſſured the citizens, that the affections of the parliament were not more cold to the public good than they had been heretofore; and, though they did deſire peace, yet a peace to betray religion and Liberty they ſhould eſteem worſe than war; that, if the King received their petition, the propoſitions they deſigned to make were for the ſecurity of religion, with the hopes of reformation; the ſecurity of a Liberty that ſhould not only exiſt in laws and ſtatutes, but in practice and in execution; the ſecurity of the dignity and honor of parliament; and that their fourth care ſhould be not to conſent to any thing prejudicial to the city of London, but to maintain it in a higher degree of honor than it ever was. Theſe propoſitions did not ſatisfy thoſe citizens who were really in earneſt on the matter of diſpute ſubſiſting between the King and the people: an application was made againſt the intended peace, by ſome thouſands of citizens, who coming to the houſe of Commons, one Mr. Shute, a merchant, in the name of the reſt, after a compliment to the houſe on the pains they had taken for the preſervation of the Proteſtant religion, &c. preſented a petition, in which they expreſſed their fears that they were bought and ſold, ſeeing, 1ſt. That, in a time of ſo much danger, there was but one army to rely on. 2d. That in all this time the King's ſtrength lying in horſe, the city ſhould not appear in a conſiderable body of horſe. 3d. That Windſor-caſtle ſhould not be provided as it ought. 4th. That colonel Holles's regiment, men of ſuch courage, ſhould be expoſed to a place of imminent danger, being next to the enemies forces, and almoſt naked. 5th. The point of accommodation was another reaſon of their grief. They had come to this reſolution, That they would man out every man his own man, make their own captains and officers, and live and die with the houſe of Commons, and in defence thereof; and, if there was any in the Lords' houſe that did retard or hinder

be glad to hearken to ſuch propoſitions as ſhould ſettle Ann. 1642. the diſtractions of his kingdom, to God's glory, his

hinder the public defence, they wiſhed they would declare themſelves, and that they were with the King. 6th. Another matter of their grief was, that the ſabbath ſhould be ſo long prophaned by public authority, the book that enjoins it not yet burnt by the common hangman; they obſerved that this day ſo prophaned had been the day of their ruin. 7th. The blood-ſhed of the martyrs, in queen Mary's days, done by act of parliament, and no expiation yet made. 8th. The officers in the army, though they muſt always mention my lord general with honor, as one in whom they did abſolutely confide, not ſo careful and diligent as they ought, nor all of them ſo truſty. 9th. The number of the priſoners of very great, and dangerous condition, and the maſters and keepers of thoſe priſons not to be confided in. 10th. The good miniſters, in times paſt, ſilenced and put out by the biſhops. "You have, ſaid the petitioners, our perſons, purſes, and eſtates, at your command; you may do with us at your pleaſure." It is eaſy to ſee by this petition, that the citizens had a juſt idea of thoſe cabals and factions which at this time acted ſo fatally againſt the intereſt of the public; and that they had formed a very different opinion of the battle of Edg-hill than what was publiſhed by the parliament, ſince they obſerved, that that Sunday on which it was fought had been the day of their ruin. Certainly every well-wiſher to the liberty of the country had great reaſon for the apprehenſions expreſſed by theſe honeſt citizens, ſince the defence of that Liberty was at this time in the hands of many who either affected it not at all, or only affected it as it was united to their particular intereſt. If the jealouſies that ſubſiſted between Northumberland, Eſſex, and Holland, had ſubſided, and given way to reciprocal confidence, a peace would have been concluded with Charles on terms of ſafety and honor to themſelves, but on a baſis too narrow to ſupport the extenſive fabric of public Liberty. The citizens who brought the forementioned petition to the houſe, offered, in the name of the petitioners, to raiſe a large body of horſe and foot; and the following reſolutions were paſſed by the Commons on the occaſion: That the book impoſing the tolerating ſports on the ſabbath-day, be forthwith burnt by the common hangman: That the houſe did accept the offer of the citizens for furniſhing horſe and foot, did account it to be a ſer-

Ann. 1642. own honor, and the welfare and flouriſhing of his people; and to that end he ſhould reſide at his own caſtle at Windſor, which he deſired might be given up to his troops, and the parliament to withdraw their garriſon. This unreaſonable requeſt, that the parliament ſhould give up ſuch a conſiderable place, merely on the hope of peace, ſhews on what terms the King intended to treat. The earl of Northumberland, however, prevailed with the parliament to write a letter to the King, intimating a deſire for a ceſſation of all acts of hoſtility; but neither the hopes of a treaty, the complaiſance of the parliament *, nor ſentiment of humanity, urging the forbearance of blood †, retarded the King's advance. Excited by the counſels of his intemperate nephew, prince Rupert, and the fond expectation that every thing would give way before him,

Treachery of the King.

a ſervice much importing the ſafety of the Commonwealth, and did return them hearty thanks. *Parl. Hiſt.* vol. XII. p. 24, *& ſeq.* 33, *& ſeq.*

* Though the King had ſo haughtily refuſed any addreſs from the parliament's general, the earl of Eſſex, becauſe he had declared him a traitor; yet the parliament, who had done the ſame thing by the lord Falkland, addreſſed him with every circumſtance of civility due to his rank and office. In this addreſs to the King they had ſo varied from their wonted ſtyle, that he obſerved, in one of his declarations, that their language was more ſupplicatory than uſual.

† The King, in his anſwer to the parliament's laſt addreſs for peace, ſaid, That that tenderneſs to avoid the deſtruction of his ſubjects, which would always make his greateſt victories bitter, would make him hearken willingly to ſuch propoſitions, whereby the bloody diſtemper of the times might be ſtopped, and the great diſtractions of the kingdom ſettled, to God's glory, his own honor, and the welfare and flouriſhing of his people. *Ruſhworth*, vol. V. p. 58.

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he marched forward, with an intent to ſeize the par- Ann. 1642.
liament's train of artillery at Hammerſmith; and from thence to ſurpriſe London, where he imagined his party was ſo great, that on the approach of his army no reſiſtance would be made. Two regiments of foot, and a ſmall party of horſe, lying at Brentford, oppoſed his paſſage, and almoſt vying in glory with the Roman Fabii, were all cut off in defence of the public, except thoſe who were taken priſoners *. A few days before this engagement the earl of Eſſex had arrived with his army at London, where, notwithſtanding the coldneſs of his conduct, for politic motives he was received by both houſes as a conqueror, preſented with five thouſand pounds †, and a memorial of his great and acceptable ſervice to the Common-wealth, to ſtand on the journals of parlia-

* Mr. Holles's regiment, of whoſe lying in this place of danger the citizens had complained, were almoſt all cut off. They had behaved remarkably well at the battle of Edg-hill. It appears, by a relation publiſhed by authority of parliament, that the King's army were guilty of enormous acts of rapine, deſtruction, and cruelty, on the taking of Brentford. Clarendon in a manner owns the truth of this relation, by ſaying, that it was framed on the diſcourſes of thoſe ſufferers who had received damages by the licence which was neceſſary to give to the King's troops. *Huſbands' Collections*, p. 758, *& ſeq.* *Clar. Hiſt.* vol. II. p. 59.

† The following is a ſtrong inſtance of the great complaiſance the whole party paid to Eſſex at this time: The parliament had appointed the earl of Warwic to command the forces raiſed in and about London; Eſſex, indignant at this partnerſhip, was on the point of throwing up his commiſſion: the earl of Warwic, who at this time acted a very diſintereſted part, offered to reſign his command; his offer was accepted, and the earl of Eſſex again reinſtated in the ſupreme military command.

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Ann. 1642. ment as a monument of his ſingular virtue to all poſterity *.

On the news of the attack at Brentford, Eſſex's army was all drawn out on Turnham-Green, and joined by a numerous body of train-bands, united to the train-bands of the adjacent counties, who, with the addition of London apprentices †, formed of themſelves a formidable army. They had been exerciſed for ſeveral months by major Skippon, who, as he led the gallant band to action, encouraged them by the following ſhort and animating oration: Come, my brave boys, let us pray heartily, and fight heartily; I will run the ſame fortunes and hazards with you: remember the cauſe is for God, for the defence of yourſelves, your wives, and children. Come, my honeſt brave boys, pray heartily and fight heartily, and God will bleſs us." When the two parties met, Eſſex found himſelf at the head of twenty-four thouſand fighting men, completely armed, beſides detachments to the amounto f eight thouſand, with a fine train of artillery. In a council of war, it was propoſed by the

Whitlock, p. 62.

* Lenthall, the ſpeaker, on a complaint that his fortune had been injured by ſo long and conſtant an attendance on the houſe, had received the ſame preſent.

† The parliament had paſſed an ordinance to exempt the body of apprentices from any after-proſecution from their maſters, on the neglect of articles, occaſioned by their attendance on the public ſervice. This was a neceſſary piece of juſtice in favor of recruits, whoſe zeal for the cauſe, and vigor of body, the fruit of temperance and ſobriety, rendered very uſeful auxiliaries.

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The earls of Eſſex, Northumberland, and Holland †, from different motives oppoſed this ſalutary advice; and the committee were perſuaded to acquieſce with the inclinations of the general, by two officers whoſe military reputation was great, but whoſe intereſt it was that the war ſhould be continued ‡. Thus this pro-

* The committee for military affairs was compoſed of theſe twelve peers, viz. the earls of Eſſex, Peterborough, and Stamford, the lords Kimbolton, Wharton, St. John, Fielding, Hunſdon, Haſtings, Brook, Roberts, and Willoughby of Parham, with twenty-four commoners; four members of this committee were always to attend the general. Whitlock ſays, that they were to take ſubſcriptions of loans, and order matters concerning malignants, and to conſider the good of the army. *Parl. Hiſt.* vol. XI. p. 432. *Whitlock*, p. 59.

† The earl of Holland, who had aſpired to one of the chief commands in the army, and looked upon the pretenſions of Eſſex to be infinitely inferior to his own, uſed his utmoſt efforts to diſſuade Eſſex from attempting what would, in its conſequences, add to the power and reputation of his rival. *Ludlow*, p. 21. *Clarendon.*

‡ Dalbier, a foreigner, who had been once a creature of Charles's, but on being neglected by him, had entered into the parliament's ſervice; and Merric, who had expreſſed a diſinclination to the cauſe: it was the intereſt of theſe two officers that the war ſhould be protracted. Hampden had marched a mile, in conſequence of orders given from the forementioned advice, when he was commanded back, in the general's name, by Sir John Merric. *Whitlock*, p. 62.

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Ann. 1642. The two armies meet and retire without fighting.

miſing army, after having for ſome time faced the enemy's horſe, whilſt their main body retreated to Kingſton*; wheeled about, and returned to London; whilſt Charles, after having fortified and garriſoned Reading, retired to Oxford.

THE King's inſincerity and perfidious dealing in the attack at Brentford, whilſt the parliament, depending on a treaty, had actually ſent orders to their troops to forbear hoſtilities, had raiſed ſuch a clamor in London †, that he thought it neceſſary to endeavor to clear himſelf from the charge of treachery: he not only excuſed his conduct, on the circumſtance, that no ſtipulations for a ceſſation had been mentioned by the parliament's commiſſioners ‡, but even denied he had any deſign

* Whitlock ſays, that, inſtead of the plan being purſued which had been propoſed by a council of war, which would undoubtedly have turned out advantageous, the party at Kingſton were commanded to march round by London-bridge into London, and from thence to join the parliament army; whereby they came late and tired, when they were to have done ſervice. By this movement the town of Kingſton was quitted to the royaliſts. *Whitlock*, p. 62.

† Clarendon in a manner owns, that, if the King had behaved with honor, a treaty favorable to his intereſt might at this time have been effected by the ariſtocratical faction, who looked with more jealouſy on the greatneſs of the popular leaders, and the growing Liberty of their country, than they had done before on the abuſed power of the King. *Clar. Hiſt.* vol. II. p. 56, *& ſeq.*

‡ Sir Peter Killegrew, the meſſenger appointed to carry the parliament's letter for a ceſſation, on arriving at Brentford, found ſome of the King's army engaged with the parliament forces; he endeavored to reach the King by the way of Uxbridge, but was there ſtopped by ſome of the King's dragoons. *Parl. Hiſt.* vol. XII. p. 37.

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upon London. This flagrant falſehood both weakened the force of his other aſſertions, and corroborated the opinion of the public, in regard to the inſincerity of his character*. On his ſending a meſſage to invite the Ann. 1642.

* As Eſſex, for the better ſecurity of the city of London, had ordered ſome works to be flung up at Brentford, and had placed detachments of his army at Brentford, Kingſton, and Acton, the King pretended he was afraid of being ſurrounded at Colebrook: but the forementioned diſpoſition was little calculated for ſuch a purpoſe; and the King encreaſed this danger by advancing nearer London. To conceal his deſign of ſurpriſing the capital, on his march to Brentford, he ſent the parliament word, That he would, in that place, meet their propoſitions for peace. Soon after the parliament received this meſſage, the noiſe of the engagement at Brentford reached them. They were ſo enraged at the treachery, that they treated the meſſenger as a ſpy, impriſoning both him and his companion, a trumpeter, in the Gatehouſe; and returned the following anſwer to the King: That they thought it a ſtrange introduction to peace to beat them out of their quarters at Brentford, and then appoint that place to receive their propoſitions, which he intended not to receive till he had firſt tried, whether he could break the army raiſed for the defence of the kingdom, and take the city, unprovided and ſecure, in expectation of a fair treaty. Clarendon endeavors to prove the neceſſity of the King's march by a reaſon not urged in the declaration publiſhed on this occaſion, viz. that prince Rupert having advanced to Hounſlow with the horſe, without orders, found himſelf in danger of being ſurrounded by the parliament forces at Kingſton, Acton, &c. and ſent to the King, to deſire him to move forward to diſengage him. This, as Rapin obſerves, is as frivolous a reaſon as any that had been urged by the King; ſince it would have been eaſier, and leſs dangerous, for prince Rupert to have drawn back, than for the King to march forward. The King finiſhed his declaration with the following hypocritical obſervation: "We cannot but make one argument more of the truth of our profeſſion, that this was all our end; and that we had not the leaſt thought, by ſo advancing, to ſurprize and ſack London, which the malignant party would infuſe into that our city; and that is, that probably God Almighty would not have given ſuch a bleſſing to our journey, as to have

Ann. 1642. The King endeavors in vain to resume the intended treaty.

parliament to resume the treaty, and to acquaint them, that to forward it he was determined to draw his army to an unexceptionable distance from London; a large body of zealous citizens, who had offered to raise men and horse at their own expence, exclaimed against treaties, as intended for snares; and notwithstanding all that the inveterate enemies to Liberty could do in favor of Charles, with the equally destructive counsels of its luke-warm friends, the following spirited answer was returned: That both houses did desire his majesty to come back to his parliament, not

assisted us both by land and by water, as with less than a third part of our foot, and with the loss of but ten men, to beat two of their best regiments out of both Brentfords, for all the great advantage of their works; to kill him who commanded in chief, and to kill and drown many others; to take 500 prisoners, more arms, eleven colours, good store of ammunition, and fifteen pieces of ordnance, whereof we sunk most that we brought not away; and then, unfought at and unoffered at, nearer than by ordnance, to march away, notwithstanding the great disadvantage of our forces, by the difficulties of the passage; if He who is the searcher of all hearts, and truth itself, had not known the truth of our professions, and the innocency of our heart, and how far we were from deserving those horrid accusations of falshood and treachery, cast so point-blank upon our person, that it would amaze any man to see them suffered to be printed in our city of London, if any thing of that kind could be a wonder, after so many of the same, and how really they desire accommodation, that upon this have voted they will have none. These our reasons for this action, this our satisfaction sent for it, and this blessing of God upon it, will, we doubt not, clear us to all indifferent persons, both of the Jesuitical counsels and the personal treachery to which some have presumed so impudently to impute it; and God so bless our future actions, as we have delivered the truth." Clarendon owns, that the reason of prince Rupert's advance was intelligence he had received from London, that if the King's army drew near, no resistance would be made. *Rushworth*, vol. V. p. 61, *& seq.*

with

with his martial, but his royal attendance; and they should then be ready to give him assurances of such security, as should be for his honor and the safety of his person. The strength of the parliament's army, as it had been hitherto, by the pernicious intrigues of selfish commanders, diverted from performing any real service, was a circumstance that helped to distress them. Its large and regular payments, with the necessary rewards which had been given for service *, had already exhausted the treasure provided for the expence of the threatened war †. Ann. 1642.

THE parliament was now obliged to have recourse to the unpopular expedients of heavy assessments upon towns and counties ‡; and by those who were pro- Assessments.

* The allowance of Essex was 10l. and that of Bedford 6l. a day. The Commons, to encourage their soldiery to repair to their colors, ordered every footman half-a-crown, and the horse five shillings above their pay: nor was the parliament less humane than generous; the soldiers wounded in their service were disposed in the several hospitals about London, and committees were appointed to superintend the government of the hospitals, that the patients might be provided with every thing necessary. Thus every member of each house was rendered useful by having an employment allotted him that was adapted to his genius. *Parl. Hist.* vol. XII. p. 31.

† Those wealthy individuals who had with such forward zeal offered up their riches, not finding the war answer their expectation, grew backward in their advances of money.

‡ The expence of the war having hitherto lain on the friends of Liberty, and particularly on the citizens, who had advanced large sums on the propositions of parliament for loans; these, on an application of both houses to the same purport, desired them to consider, how to raise money in such sort, that the whole charge might not lay upon the well-affected party; but that the malignants should likewise, according to their

Ann. 1642. tected or awed by the royaliſts, their ordinances were ill obeyed; whilſt the King, having the greater part

their abilities, bear a ſhare. This produced the firſt ordinance for an aſſeſſment, which was directed to be laid on the contributors upon the propoſitions for lending money, and raiſing horſe and arms, which was not to exceed the twentieth part of their eſtates real and perſonal. The neceſſities of parliament, and the obſtinacy of the non-contributors, occaſioned ſeveral arbitrary ordinances for the enforcement of the aſſeſſment. Collectors were empowered to break open cheſts, trunks, boxes, doors, &c. whereby to take a diſtreſs for the ſum aſſeſſed: they were empowered to receive debts, to the value of the ſums aſſeſſed; and, to facilitate the diſcovery of debts, had authority to compound with the debtors for the ſame. The military were authorized to ſearch for the refuſers, and to bring them before the committee of the houſe of Commons for examination, who had power given them to impriſon the refuſers in ſuch places of the kingdom, and for ſo long a ſpace of time as they ſhould appoint; with an injunction, that the families of the offenders ſhould no longer remain within the liberties of London and Weſtminſter. The ſeverity of this ordinance was made more intolerable by an exception in favor of the members of either houſe of parliament, who were only to be aſſeſſed by that houſe to which they belonged. No partizan of Liberty would have willingly ſubmitted to ſo tyrannical an exertion of power, on other conſideration than that of its being a temporary expedient, to meet with an open, apparent danger, threatening determined ſlavery: the exception, which was undoubtedly injurious, was carried in the Commons' houſe only by a majority of forty-three voices againſt forty. The King did not fail to repreſent to the people the illegality of theſe enormous acts of power, which the neceſſity of affairs, in a manner, obliged the parliament to exert; and farther declared, that he was ſo far from challenging ſuch a power himſelf, or from requiring a twentieth part of his ſubjects' eſtate, though for their own viſible preſervation, that, as he had already ſold or pawned his own jewels and coined his own plate, ſo he was willing to ſell all his own lands and houſes for their relief. Though it was impoſſible, at this time, for the King to ſucceed ſo far in perſuading the people that the public intereſt was connected to his private, as to enable him to exert ſo high an act of authority as the putting forth an ordinance for a general aſſeſſment; yet certain it is, that aſſeſſments regularly levied by military force,

of the landed intereſt in his favor, and the proprietors engaged in military ſervice, his troops were in ſome Ann. 1642.

force, in all the counties where the King's power prevailed, helped to ſupport his army: this, he pretended, was with the inhabitant's conſent, becauſe that having gained a few leading men of the county, they reſolved that ſuch a ſum ſhould be given; and this donation, from men who had no right in law or equity over the property of their fellow-countrymen, was called by the King the conſent of the inhabitants. Theſe aſſeſſments, Clarendon ſays, were all, by the power and intereſt of prince Rupert, aſſigned to the maintenance of the horſe. The expence of the ſeveral garriſons, and the whole body of foot, which amounted to three thouſand pounds weekly, and the King's private expences, were ſupported, all the winter, by voluntary contributions, out of the private and public purſe of the univerſity of Oxford, and the loan of other individuals, the King drawing conſiderable ſums from London, notwithſtanding the ſtrict watch kept by the parliament. It may be diſcovered, from the King's proclamation for the better governing his army, and againſt the plundering, ſpoiling, and robbing, which they were notoriouſly guilty of, that he aſſumed and exerted, on occaſions, a power equal to this exerted by the parliament. "We have thought fit to publiſh and declare (ſays the proclamation) our royal pleaſure to be, that from henceforth no officer, ſoldier of horſe or foot, or party ſent from our army, preſume to ſearch for or ſeize upon any money, plate, goods, or houſhold-ſtuff, belonging to any of our ſubjects, of what condition ſoever, without our expreſs warrant for the ſame, under our ſign manual, declaring the cauſe of ſuch ſeizure." In lord Fairfax's account of the condition of the northern parts, he tells the parliament, that the earl of Newcaſtle had ſeized upon Leeds, where he had plundered the well-affected, and raiſed a very great ſum of money out of thoſe that they could draw to compound for their ſecurities: that he proceeded in raiſing money, by all the illegal and oppreſſive ways that could be deviſed; and both by commiſſion of array, and by preſſes made in the churches, raiſed all the men he could. This account, with the cry of the whole kingdom, not immediately protected by the power of the parliament, againſt the plunder, rapines, and exactions committed by the King's army, ill agree with his accuſation of the parliament, and his profeſſions on this head, ſo obviouſly contradictory to his conduct, that one would imagine they were aſſertions

Ann. 1642. measure maintained at the expence of the officers *. Charles by his connections having a full intelligence of the difficulties his enemies had to ſtruggle with, reproached the parliament in bitter terms for their laſt meſſage: "They were yet governed, he ſaid, by a malignant party, of whom he had often complained. He upbraided them with the rebellious actions of the army which had been raiſed under pretence of orders of both houſes: he talked of it as an unpardonable inſolence to invite him to London whilſt their army continued there; but as he did not impute the affront to both his houſes of parliament, nor to the major part preſent in thoſe aſſemblies, ſo he would not, for his good ſubjects ſake, and out of the moſt tender ſenſe of their miſeries, take advantage of it: but if the parliament would really purſue the courſe they ſeemed by their petition at Colebrook to be inclined to, he ſhould make good all he

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* The property of the King's troop of life-guards, compoſed of noblemen and gentlemen, were, according to Clarendon, at leaſt equal to that of all the Lords and Commons who remained at Weſtminſter. The upper houſe, at this time, was reduced to fifteen or ſixteen members; and the number that compoſed the lower houſe was infinitely inferior to the legal proportion.

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* The King had never promiſed any particulars.

† It gave intelligence, that the defection of the navy would have given the King a dangerous blow, had it not been ſupported by the reputation of his ſucceſs at land; which had ſo raiſed his credit, that the prince of Orange had advanced all the ſums expected, viz. 40,000 l. already embarked: that a great buſineſs in agitation would, when concluded, bring 60,000 l. more: that 20,000 foot-arms, beſides garriſon-arms, near 2000 horſe-arms, and 20 pieces of cannon were ſent before the queen, who was to bring with her waggons, and all accommodations, to march with very conſiderable officers, among which were general King, deſigned for lieutenant-general: that 10,000 foot and 1500 horſe had been ſent from Denmark; and every thing proportionable, to the very drums and halberds, conveyed with two good men of war, bringing an ambaſſador to his Majeſty, a perſon of great quality in Denmark, of whom it was deſired, that care might be taken that he might be nobly treated; for the entire neglect of the laſt was ſo much reſented by the king of Denmark, that it had like to have fruſtrated all expectations in that court, had not Cockrain very handſomely evaded it: that the King's party in Holland had great apprehenſions, leſt he had entered farther into a treaty than they had been advertiſed of, or could well approve: that they believed, according to their intelligence, that if the King had approached London, without making too long ſtay on the way, the matter would have been determined: that ſome of the King's horſe might be well ſpared, and ſent into Kent, to countenance a very affectionate and conſiderable party there: that, but for the unhappy interception of the laſt week's letters, the queen, with her party, would have been on the other ſide London, in Norfolk and Eſſex: that, in that caſe, having all the kingdom behind them, on every ſide, the King's army would have been better able to have ſubſiſted without the town, than they within: that, if they could once get foot, they ſhould collect the 400,000 l. ſubſidies univerſally throughout the kingdom; which would make the King's army ſubſiſt, and

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Ann. 1642. of this foreign aſſiſtance, expected by the King, the forces his party had now collected were by no means

wear out the enemy's: that what was expected from Denmark and France were encouragements not to admit any treaties but upon terms of great advantage and honor to his Majeſty.

Notwithſtanding the King's ſolemn aſſeveration, that no extremity ſhould ever tempt him to make uſe of foreign troops againſt his ſubjects; and his aſſertion, that no one could think him ſo mad as to attempt ſo dangerous an expedient as to make uſe of foreign force, he had actually ſent Cockrain to demand aſſiſtance of men, money, arms, and ſhips, from the king of Denmark; with inſtructions to inform that monarch of the ſtate of his affairs in England, which had rendered it difficult for him to apply to foreign treaty for ſuppreſſing the deſign of his rebellious ſubjects, leſt it ſhould bring ſcandal on him, and draw away univerſally the hearts of his people: that he had now great encouragement by the exceeding numbers of gentry that reſorted to him: that the ſtates of Holland had condeſcended to give her majeſty the queen a convoy of the greateſt part of their fleet, now at ſea, for her return into England: that he expected and hoped, that his neighbour princes and allies would not look upon ſo dangerous a precedent to their own crowns and monarchies, without contributing to ſuppreſs the deſign of the rebels. Cockrain, to excite the king of Denmark to comply with the King's demand, was to inform him, that it had been publicly moved in the Commons' houſe, to interpoſe in the accommodation of the Dutch, and to ſet out a fleet to take away his cuſtoms of the Sound: that they had ſearched, viſited, and detained divers of his ſhips, to the great prejudice of the Norway trade; and that they did prepare force againſt others, whom they permitted not to water, nor any other accommodation, being bound for the Weſt-Indies, and put in by ſtreſs of weather into the Weſt of England: they had attempted to lay a great blemiſh on his Daniſh majeſty's family, endeavoring to illegitimate all derived from his ſiſter; which their moſt deteſtable and ſcandalous deſign they had purſued, examining witneſſes, and cenſuring circumſtances and times, to colour their pretenſions; and which as his ſacred majeſty of England, in the true ſenſe of honor of his mother, did abhor and would puniſh, ſo he expected his Daniſh majeſty's concurrence in vindicating a ſiſter of ſuch happy memory, and by whom ſo near an union, and continued league of amity and friendſhip, had been

deſpicable: the earl of Newcaſtle had aſſociated the northern counties *; and with the Papiſts of thoſe parts, of which his army was for the moſt part compoſed, had raiſed a body of eight thouſand men †: the earl of

Ann. 1642. Army of Papiſts and malignants, under the earl of Newcaſtle, infeſt the North.

been produced between the two kingdoms. Tho' it does not appear, that there was any real foundation for the aſſertion concerning the Daniſh traders; and it would have been a piece of ill policy in the parliament, to uſe ſuch unneceſſary ſeverity; nor for the ſecond aſſertion, concerning a formal enquiry into the conduct of the late queen Anne of Denmark; yet it is likely, that the people in general, to whom the licence of ſpeaking truth was now allowed, were free in their cenſures of the King's mother, whoſe want of chaſtity is hinted at by ſeveral authors, and many particulars mentioned by Sir Robert Peyton, a ſervant of James's court. There are likewiſe, in the Advocates Library at Edinburgh, anecdotes preſerved, which more than render dubious the conjugal fidelity of this princeſs.

Four hundred thouſand pounds had been granted this parliament, for the relief of Ireland, and the payment of the national debt, which had not yet been levied.

* The biſhopric of Durham, with the counties of Northumberland, Cumberland, and Weſtmoreland.

† In a declaration the two houſes of parliament had publiſhed the day before the battle, ſhewing, that the King had refuſed their petition for peace, and was ſo engaged to the popiſh party, that all hopes of peace were excluded, they aſſert, That though the King endeavored to keep off ſuſpicions, by fearful oaths and imprecations, concerning his purpoſe of maintaining the Proteſtant religion; and that great numbers of the Papiſts themſelves, by the encouragement of their prieſts, had in ſhew conformed themſelves; yet his majeſty being now grown ſtronger, and able, as he conceived, to make good his end by arms, his confidence in that party did fully appear: perſons impriſoned for prieſts and Jeſuits had been releaſed out of the jail of Lancaſter; profeſt Papiſts had been invited to take up arms; commiſſions, under his majeſty's authority, had been granted to many of them, for places of command in the war; [here the delaration mentions fourteen] that divers forces were raiſed and paid by the earl of Worceſter; that his ſon, the lord Herbert, was made general of all South-Wales;

Ann. 1642. Cumberland, whom Charles, by the desire of his friends in Yorkshire, had left in the principal command over that country, found himself strong enough to adventure the proclaiming the chief adherents of the parliament traitors *.

that Papists were armed and employed in the North of England, and advised and consulted with; that men had been sent to Hamburgh and Denmark, to raise forces there, and to bring them over to join with the earl of Newcastle, and the army of Papists which was intended to be raised in Newcastle; that the King had received in his court Papists convicted in Ireland of high-treason; and that Jesuits and priests in foreign parts had made great collections of money for the relief of the Papists in Ireland, and the farthering his majesty's designs against the parliament. The King, in two declarations, one of which he published before, and the other after the battle of Edg-hill, positively denied the truth of these assertions, grounding his denial of the release of the Jesuits out of Lancaster jail on the subterfuge, that they had not been yet convicted as such; but on what pretence he denied the other, is not so easily to be discerned. In his turn he accused the parliament of employing popish officers and soldiers, in great numbers; of using industry to corrupt their loyalty, even to the assuring them, that the penal laws in their disfavor should be repealed. The two houses treated with great contempt the King's accusation; and, to prove its absurdity, alledged those instances of severity they had shewn the Papists, publishing, at the same time, a list of popish officers, who had commissions under the King's hand, with a petition presented to him by the popish recusants of the county of Lancaster, whilst he was yet at Shrewsbury, for leave to provide arms for his service; and his answer, granting the request.

* This was returned in a severe declaration of the lord Fairfax's, which drew from the earl of Newcastle a justification at length, out of which are taken the following specimens of this nobleman's genius: "You charge me, says he, with having invaded the county of York; an insolent and presumptuous challenge! Can the King's forces be said to make an invasion in his own dominions? They that take the sword (without lawful calling) shall perish by the sword; and he that sheddeth man's blood, without a commission from the King of heaven, who only hath

Ann. 1642. Parliament forces under the lord Fairfax.

THE lord Fairfax, had received a commission to command the parliament's forces * in these parts; but

hath original power over the lives of his creatures (and no multitude of men in the world, collective or representative) by man shall his blood be shed. The supreme magistrate is God's vicegerent, and beareth not the sword in vain; but those who presume to use the sword, and can derive no power from him, it were meet for them to make their account betimes with God, lest they die in the state of murderers, both of themselves and others: my case is clear different from theirs; there may be treason against the King, there can be none against them; there may be forfeiture of estates to him, there can be none to them. The King may raise arms, and levy a just war; whatsoever they do, in that kind, is void, by the law of nations." In another vindication of himself, for employing popish recusants, he cites the example of heathen emperors and Christian potentates, who employed in their service those who were of different faith from themselves; and says, the point is not of their religion, but whether they could be trusted in point of fidelity and allegiance? This language speaks very plainly the principles of the party; but however convincing the arguments might be to the earl of Newcastle, they must have served in the present juncture rather to rouse and irritate, than to calm and allay the fears and jealousies of the people. The parliament is again taxed by this nobleman with having great numbers of Papists in their army; but these were general accusations, without any attempt at a proof; since neither the King, the earl of Newcastle, nor the earl of Clarendon, who has the same assertion in his history, name one single Catholic employed by the parliament, who, on their side, produced lists of popish officers in the King's service, with their several qualities and employs. The Papists might rationally expect benefit from serving the King; but their principles, both civil and religious, were at this time so opposite to those asserted by the parliament, that it is not probable they could have been prevailed on to fight for their authority. *Rushworth.*

* The parliament's party in Yorkshire had been drawn into a convention of neutrality by the royalists, who having sent away several regiments of horse and foot to the King, wanted to secure themselves from the excursions of the garrison at Hull and Pomfret castle. This convention, therefore, being obviously to the advantage of the enemy, was broken by the authority of parliament. According to Clarendon, if the

Ann. 1642. was too weak, to prevent the earl of Newcaſtle from forcing his way to York*: he was received there in great triumph, by Sir Thomas Glemham, whom Charles had appointed governor under the earl of Cumberland †; but, in an encounter at Tadcaſter, he was worſted by the lord Fairfax, whoſe valiant ſon, Sir Thomas Fairfax, attacked and ſtormed ſeveral places in the poſſeſſion of the royaliſts: among the chief of theſe was Leeds, which contained five hundred ſoldiers of the King's party. Sir Hugh Cholmley, another parliament commander, beat the enemy at Giſborough, whilſt the earl of Newcaſtle took Bradford by ſtorm. The parliament followed the example which had been ſet by the earl of Newcaſtle, and began to aſſociate thoſe counties where their party prevailed: thoſe moſt eminently affected to them were the midland ones ‡;

Encounter.

Counties aſſociated by the parliament.

the parliament had at firſt appointed a commander in chief, to unite their forces in this country; or, if the pride and jealouſy of Sir John Hotham had not prevented him from ſeconding and aſſiſting lord Fairfax, all Yorkſhire had been abſolutely ſubjected to their authority.

* The ſouthern parts of Yorkſhire were for the King; the northern parts, to the borders of Scotland, for the parliament.

† On the earl of Newcaſtle's arrival in Yorkſhire, with three thouſand foot and ſeven hundred horſe, the earl of Cumberland reſigned to him the command; and King, who, with Goring, was come over from Holland, was appointed lieutenant-general of his army, and Goring general of the horſe. The parliament complained that the King, in his commiſſion to govern the northern counties, affected to erect a provincial government in the North, clearly againſt the common law, and the judgment given in parliament for the taking away the court of York. *Clar. Hiſt.* vol. II. p. 108. *Parl. Hiſt.* vol XI. p. 391.

‡ Norfolk, Suffolk, Cambridge and Ely were aſſociated under the lord Grey of Werk. *Whitlock*, p. 63.

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they had ſmarted moſt for proſecutions for ſhip-money; Ann. 9421. and, by their nearer neighborhood to the capital, had been more under the laſh of the ſtar-chamber, and council-board tyranny, than the remoter parts of the kingdom, ſuch as Wales, Cornwall, Lancaſhire, Cheſhire, and Cumberland; places much infeſted with Papiſts, and where property being very unequally divided, the nobility and gentry of large fortunes, who were moſt of them tainted with arbitrary principles, civil and eccleſiaſtic, had great weight. In theſe counties the greater part of the inhabitants, except the traders, declared for the King*. Nantwich in Cheſhire and Mancheſter in Lancaſhire, two great mercantile towns, aſſerted the authority of parliament †. Nor-

* In the midland counties, the King, by the injudicious conduct of the lord Say, had preſerved to himſelf Oxford; and the earl of Eſſex's want of ſpirit and activity occaſioned Banbury and Reading to fall into his hands: he garriſoned theſe towns, with Wallingford, a place of importance within eight miles of Oxford, and Brill on the edge of Buckinghamſhire; and thus commanded all Oxfordſhire entire, and a great part of Berkſhire, Brill and Banbury giving him ſome influence on Buckinghamſhire and Northamptonſhire. After his return to Oxford, his troops took Mariborough in Wiltſhire, within twenty miles of Oxford, a town well affected to the parliament, and lately garriſoned; and which making a brave defence, was almoſt all burnt in the action; it afforded great pillage to the enemy, who indiſcriminately plundered friends and foes. *Clar. Hiſt.* vol. II. p. 63, *& ſeq.*

† Theſe advantages proceeded from the inactivity of the earl of Derby, to whom the King had given a commiſſion to command in theſe two counties, but without leaving other force than his intereſt and authority; "For, ſays Clarendon, as a great part of Lancaſhire conſiſted of Papiſts, it was confidently believed that there was not one man of ten, throughout the county, who meant not to be dutiful and loyal to the King." The ſame author tells us, that ſo hard was the King's condition, that though he knew his ſmall ſucceſs in Lancaſhire proceeded from

Ann. 1642. thampton, in Northamptonſhire; and Coventry, and Killingworth, in Warwicſhire, were garriſoned by the two houſes; the lord Grey, ſon to the earl of Stamford, was maſter of Leiceſter *; Sir John Gell fortified Derby againſt the King; and the ſhires of Derby, Stafford, and Leiceſter, joined in an aſſociation, under the lord Brook, one of the greateſt partizans of Liberty this generous age produced.

NOTWITHSTANDING theſe advantages, the cauſe of Freedom was, in this hoſtile controverſy, in too dangerous a ſtate for the parliament not to deſire a peace on any terms that could give a rational ſecurity for the preſervation of the conſtitution, as improved and explained by the acts which had paſſed this ſeſſions. Torn by factions among themſelves, and dreading the improvement of the King's force by the arrival of the queen, who was daily expected with a large ſupply of money, arms, and ammunition, the two houſes, according to the King's invitation from Reading, made another application to him for peace. The lord-mayor, aldermen, and common-council of London had joined

Applications to the King for peace.

from the want of conduct, and a vigorous and expert commander, yet he thought it not ſafe to make any alteration, leſt the earl ſhould manifeſt what he could do againſt him, though he could do little for him: however, the lord Capel being ſent with a commiſſion of lieutenant-general over Shropſhire, Cheſhire, and North-Wales, which had joined in an aſſociation for the King, the parliament's friends were prevented from ſending aſſiſtance to the lord Fairfax. *Clarendon's Hiſtory*, vol. II. p. 112, *&c ſeq.*

* The lord Grey received ſome oppoſition in Leiceſterſhire from colonel Haſtings, younger ſon to the earl of Huntingdon. *Clar. Hiſt.* vol. II. p. 113.

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in a petition, to invite the King back to the parliament; Ann. 1642.
but as the deſire of the city, expreſſed in this petition, was, that Charles ſhould not come as a conqueror, at the head of a rapacious inſolent army, but that diſuniting himſelf from thoſe who wiſhed ill to the peace and liberty of the country, he ſhould put himſelf on the affections of the parliament and city, it was rejected with a higher degree of haughtineſs and diſdain than had been a petition of the like nature from the parliament *. After a general profeſſion, that he never entertained any miſapprehenſion of the loyalty of the city of London, he repreſented all the irregular acts which provocation, policy, and neceſſity, had occaſioned in this metropolis, as outrages of ſo tremendous a nature, that they called down the immediate vengeance of God, unleſs the city would purge itſelf of guilt, by delivering up to him their pretended lord-mayor †, and other leaders, who he had particularly marked as traitors in his proclamations ‡; he graciouſly offered pardon to the reſt, and to give them the honor of his preſence, when they

* A petition of a different nature from this was, by the King's party in the city, preſented to the upper houſe for a peace: the Commons had rejected it, as having been procured by undue means; and the lord-mayor, aldermen, and common-council proteſted againſt it. "They had, they ſaid, damned it by a public act, and did deſire, that when hereafter any petition came to parliament, in the name of the city of London, and was not atteſted by the hand of the town-clerk, it might be rejected, and not eſteemed as a petition from the city. *Parl. Hiſt.* vol. XII. p. 103.

† The King denies that Pennington was a legal magiſtrate.

‡ Ven, Foulke, and Manwaring.

Ann. 1642. ſhould put themſelves in a proper poſture to receive him, with a warning, that whoſoever ſhould henceforward contribute, by the payment of tonnage and poundage, or any other tax, on what pretence of authority ſoever, to the maintenance of the army under the command of the earl of Eſſex, muſt expect the ſevereſt puniſhment the law could inflict; and, in the mean time, that his majeſty would ſeize upon any part of his eſtate within his power; and, ſince he denied to his majeſty the duty and benefit of his ſubjection, his majeſty would deny to him the benefit of his protection; and ſhould ſignify to his foreign miniſters, that ſuch perſon ſhould receive no advantage from being his ſubject. On the rhetoric of this anſwer, ſo entirely in the ſtyle of a conqueror, to a city powerful like London, and fruitful of reſources, did Charles ſo much depend, that when he delivered it to that committee of aldermen who preſented him the petition, he told them, it was his expreſs command, that it ſhould be read publicly at a common-hall, and before the people *. The lord-mayor did not heſitate to obey, in this particular, the royal injunction, having obtained the conſent of both houſes, who appointed a committee of Lords and Commons to be preſent when the King's anſwer

Ruſhworth, vol. V. p. 113.

* The King was ſo earneſt on this point, that, leſt his anſwer ſhould be ſuppreſſed by the committee, he ſent it by one captain Heron, whoſe father, Sir Edward Heron, high-ſheriff of Lincolnſhire, having been voted a delinquent, for executing the commiſſion of array, the young man ſhewed a great unwillingneſs to render himſelf noxious to the party, and refuſed, till he was much preſſed by the lord mayor and the committee, to read the King's anſwer, intimating, that his commiſſion was only to deliver his letter to the lord-mayor. *Parl. Hiſt.* vol. XII. p. 122, *&c.*

ſwer was read, in a full aſſembly of people. Mr. Pym, Ann. 1642. by direction of parliament, in a long ſpeech acknowleged the generous, magnanimous conduct of the city, and their ſteady adherence to the principles of Liberty: he avowed, that all thoſe actions with which they had been reproached by the King, had been done in obedience to the commands of parliament: he vindicated thoſe commands, and ſhewed, that the King's anſwer was a libel, ſtuffed with ſcandalous, injurious aſſertions on the two reſpectable bodies of parliament and city *: On the threatening part of the anſwer, he ſaid, that the danger ariſing from thoſe ill councils that influenced the King, could not be kept off but by the power of arms; and that the Lords and Commons were

* On the King's aſſertion, That he was driven by tumults out of the city, Mr. Pym remembered the company of the King's going the day after his attempt to ſeize the members into the city, without a guard; and his reſiding divers days at White-hall, Hampton Court, and Windſor, without any attempt which could give him apprehenſion of fear: On his accuſing the two houſes of deſtroying the property of the ſubject, by taking away the twentieth part by an arbitrary power, Mr. Pym obſerved, that there was little reaſon for this objection, on his majeſty's behalf, when it was well known, that from the ſubjects that were within the power of his army, he did take the full yearly value of their lands, and in ſome caſes more; that not only particular houſes, but whole towns, had been plundered by command and deſign; and that by proclamations men were declared to forfeit all their eſtates, becauſe they would not obey arbitrary commands: To the King's declaration, that he expected to be kept from tumults and affronts, Mr. Pym obſerved, that his majeſty's expreſſions, in his anſwer, tending to the making a diviſion in the city, and to the raiſing a party, which might make diſturbances in the orderly government now eſtabliſhed in it, would be more prejudicial to his quiet abode in London than any thing that had ever been acted by the houſes of parliament, or the preſent governors of the city.

Ann. 1642. ſo far from being frighted by his menaces, that they had declared a farther contribution towards the maintenance of the army; and hoped for the continuance of the good affections of the city; and that they would add, to what they had already done, ſome farther contributions towards the ſupport of thoſe forces maintained for their ſafety.

THE ſevere and ſpirited animadverſions which fell from Mr. Pym, were received with ſo general an applauſe, followed by a chearful declaration, that the citizens would live and die with the two houſes of parliament *, that the King, who expected that his party in London would have been enabled to exert themſelves powerfully on the occaſion, full of rage and diſappointment, ſent an angry declaration to the ſheriffs of London, in which he required the maſter and wardens of the

* Clarendon, contrary to the ſenſe of a previous obſervation, that the humors of the people, when obſtructed, break out with the greater violence, ſuppoſes this not to be the effect of inclination, but reſtraint. In the printed account of this buſineſs it is ſaid, that after the King's anſwer had been read once on the Huſtings, and then in the Clock-houſe, an inconſiderable company, near the door, made ſome offers towards an acclamation; but finding no expected eccho to anſwer their ſhout, they wound up in a little modeſty and a great deal of ſilence: That, at the end of every period of Mr. Pym's ſpeech, the applauſe was ſo great, that he was fain to reſt 'till ſilence was again made; and when, at the cloſe of his ſpeech, he deſired the citizens to declare, that they would protect thoſe of their members who had been demanded by the King, theſe words were no ſooner uttered than followed a loud and continual acclamation, which reſolved itſelf into the more articulate and diſtinct ſound, "We will live and die with them; we will live and die with them." *Parl. Hiſt.* vol. XII. p. 127, *& ſeq. Clar. Hiſt.* vol. II. p. 83, 89.

ſeveral

ſeveral companies to ſummon their members, and to read, in their ſeveral halls, his fore-mentioned anſwer and this declaration, in which he tells the citizens not to look upon Iſaac Pennington as their lord-mayor, and directs the ſheriffs to commit him, with the aldermen Ven, Foulke, Manwaring, to ſafe cuſtody. As the King thus endeavored to excite the people to riſe againſt their magiſtrates, and to produce a ſcene of confuſion which ſhould facilitate his triumphant entry, the parliament, fearing the ſtrength and activity of his party, commanded the ſheriffs not to aſſemble at their halls, according to the King's order; and as he had declared to the committee of aldermen, that he would ſend meſſengers to obſerve the carriage of the city, and, by private agents ſent to London, kept a conſtant correſpondence with his party, the two houſes made a declaration, that all perſons coming from the King's quarters to London, without a ſafe-conduct, ſhould be treated as ſpies. At the ſame time an order paſſed, that no carriers or waggoners ſhould be permitted to go to Oxford, or elſe-where, without ſpecial licence from the parliament. Ann. 1642.

THOUGH the King's late conduct carried ſymptoms little favorable to the ſucceſs of the determined application, yet the two houſes wrote to the King for a ſafe-conduct for commiſſioners they had appointed to carry to him propoſitions of peace: and, when a ſafe-conduct was peremptorily refuſed to the lord Say, one of the nominated commiſſioners, on the ſame pretence on which Sir John Evelyn had been before refuſed, ſo ſtrong was the party in parliament for a treaty, that,

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Ann. 1642. facrificing the moſt important punctilios * to an ardent deſire of peace, the two houſes, on the King's objection, ſubmitted to nominate the earl of Pembroke, in the room of the lord Say †. In the propoſitions now offered to the King, the parliament had abated of the rigor of their former demands, inſiſting upon nothing that was not, in the preſent ſituation of things, neceſſary to the preſervation of the conſtitution ‡, excepting

* Punctilios of ſuch obvious conſequence, that, had the parliament abided by the reſolution of not admitting the King's objection, and on this particular admittance had been refuſed to their commiſſioners, the public muſt have been convinced of the King's ill intention.

† The commiſſioners that carried the propoſitions for peace were, the earls of Northumberland, Pembroke, Saliſbury, and Holland; the viſcounts Wenman and Dungarvan; Sir John Holland, Sir William Litton, Pierpoint, Whitlock, Waller, and Winwood. Lord Say, after the example of Sir John Evelyn, had deſired that the Lords would diſpenſe with his ſervice as commiſſioner, that the treaty might not be interrupted. The Lords conceiving, as they ſaid, that the precedent trenched on the eſſential proceeding of parliament, left it freely to lord Say, either to go or ſtay, as he ſhould think proper. *Parl. Hiſt.* vol. XII. p. 187.

‡ It is difficult to determine what terms, in the preſent ſituation of affairs, could have ſecured the freedom of the conſtitution, or reſcued it from being totally deſtroyed by a faction naturally attached to the moſt noxious prerogatives of the crown, and now, by the oppoſition they had met with, rendered acrimonious againſt popular powers. If this faction had upon a treaty regained their legiſlative privilege, a majority of parliament would have been formed for the King, which, in all probability, would not only have re-inſtated him, but ſtrengthened his former prerogatives, to prevent, for the future, their being invaded by popular powers. A ſentiment of this kind was flung out by the King himſelf to the parliament's commiſſioners for a treaty: If he had as much inclination, as he had more right to fears and jealouſies than the parliament, he might with more reaſon, he ſaid, have inſiſted on

that epiſcopacy ſhould be utterly aboliſhed, and that Ann. 1642.
eccleſiaſtical controverſies ſhould be determined by their aſſembly of divines *.

on an addition of power, as a ſecurity to enable him to keep his forts when he had them, ſince it appeared it was not ſo great, but that they had been able to take them from him, than they to make any difficulty to reſtore them to him, in the ſame caſe they were before. *Clar. Hiſt.* vol. II. p. 171.

* In the preamble to the propoſitions, the parliament declare their fears and dangers continued and increaſed, by the raiſing, drawing together and arming great numbers of Papiſts, under the command of the earl of Newcaſtle; likewiſe by the making the lord Herbert of Ragland, and other known Papiſts, the commanders of great forces, whereby many grievous oppreſſions, rapines, and cruelties, had been and were daily exerciſed on the eſtates and properties of the ſubject. The propoſitions were as follow:

That the armies, on both ſides, be diſbanded; and the King return to the parliament.

That delinquents be left to a legal trial, and judgment of parliament.

That Papiſts be diſarmed.

That the royal aſſent be given to the following bills:

For taking away ſuperſtitious innovations.

For the utter aboliſhing and taking away of archbiſhops, biſhops, deans, &c.

Againſt ſcandalous miniſters, againſt pluralities.

For conſultation to be had with godly, religious, and learned divines; and that his majeſty be pleaſed to promiſe to paſs ſuch other bills for the ſettling the church-government as, upon conſultation with the aſſembly of the ſaid divines, ſhall be reſolved by both houſes of parliament.

That an oath may be eſtabliſhed, by act of parliament, for the better and ſpeedier conviction of recuſants; and that his majeſty be pleaſed to conſent to,

I. A bill for the education of the children of Papiſts by Proteſtants.

II. To a bill for the true levying of the penalties againſt recuſants; and that the penalties be levied in ſuch manner as both houſes of parliament ſhall agree on.

III. To

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III. To a bill, whereby the practice of Papiſts againſt the ſtate may be prevented.

That the earl of Briſtol, and the lord Herbert, be removed from his majeſty's council and court; and that they may not bear office or employment concerning the ſtate and commonwealth.

That the militia be ſettled in ſuch a manner as ſhall be agreed on by both houſes.

That ſuch perſons as have been put out of the commiſſion of peace, Oyer and Terminer, or from being Cuſtodes Rotulorum, ſince the firſt day of April, 1642, other than ſuch as were put out by deſire of parliament, may be reſtored; and ſuch perſons put out of thoſe commiſſions and offices as ſhall be excepted againſt by both houſes of parliament.

That a bill be paſſed, to vindicate and ſecure the privileges of parliament from the ill conſequence of the late precedent, in the proceedings againſt the lord Kimbolton and the five members of the Commons' houſe.

That the royal aſſent be given unto ſuch acts as ſhall be adviſed by both houſes of parliament, for the ſatisfying the debts and damages whereby they have engaged the public faith of the kingdom.

That a ſtrict alliance be entered into with the ſtates of the United Provinces, and other ſtates of the Proteſtant religion.

That all offences committed before the tenth of January, 1641, which have or ſhall be queſtioned in parliament before the tenth of January, 1643, ſhall be excepted out of the general pardon; which offences ſhall nevertheleſs be taken and adjudged to be fully diſcharged, againſt all inferior courts: That there ſhall be an exception of offences committed by any perſons which have had an hand in the Iriſh rebellion; and an exception of William earl of Newcaſtle, and George lord Digby.

That his majeſty be pleaſed to reſtore ſuch members of parliament which have been put out of place ſince the beginning of parliament, that they may receive ſatisfaction and reparation for thoſe places; and that all others may be reſtored to their offices and employments, who have been put out of the ſame, upon any diſpleaſure conceived againſt them,

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them, for obeying the commands of parliament, or for any occaſion ariſing from the difference betwixt his majeſty and the parliament.

That your majeſty be pleaſed to appoint Sir John Brampſton chief-juſtice of your court of King's-Bench, William Lenthall, Eſq; maſter of the Rolls, Mr. Serjeant Wild chief-baron of your court of Exchequer, Mr. Serjeant Rolle and Atkins juſtices of the King's-Bench, Mr. Serjeant Pheaſant one of the juſtices of your court of Common-Pleas, Mr. Serjeant Creſwell, Brown, and Paleſton, barons of the Exchequer; and that the lord-chief-juſtice Banks, Mr. Juſtice Bacon, Reeves, Foſter, be continued in their offices; and that all the judges of the ſeveral courts hold their places *quamdiu ſe bene geſſerint*.

Brampſton, on the pretence that he ſtood bound by recognizance to attend the parliament, on an accuſation againſt him, having excuſed himſelf from ſitting on a commiſſion of Oyer and Terminer to attaint the earl of Eſſex, and others, of high-treaſon, had been removed from his office, and Heath appointed chief juſtice in his ſtead; but that the ſupple Banks, that infamous tool of power, who had aſſerted ſuch treaſonable arguments againſt the privilege of the people, in defence of the right of the crown to taxation, ſhould be in the liſt of the judges to be continued, does little honor to the parliament. On the conſideration of the propoſitions of peace to be ſent to the King, a vote having paſſed the upper houſe, that thoſe only who had been impeached before the firſt of January laſt, ſhould be proceeded againſt in parliament, the peers Warwic, Peterborough, Manchester, Say and Seal, Wharton, Bolinbroke, Willoughby of Parham, Brook, and Grey de Werk, for the following reaſons entered their proteſts: "Becauſe we conceive it improper for this houſe to move the houſe of Commons, in the ſtopping of their proceedings by impeachments; and that it doth not only give encouragement to a king to attempt the like ſtoppage of juſtice by force, and from this precedent to ſtand upon the protecting of perſons impeached, but to ſubjects alſo, who may be induced to undertake any thing, in hope of impunity, even from the deſires of this houſe, which hath not demanded any one of thoſe to be left to trial, who, ſince his majeſty's going to York, have been impeached of high-treaſon, for actual levying war againſt the King and kingdom." *Parl. Hiſt.* vol. XII. p. 103, *& ſeq.* 147, *& ſeq.*

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them, for obeying the commands of parliament, or for any occaſion ariſing from the difference betwixt his majeſty and the parliament.

That your majeſty be pleaſed to appoint Sir John Brampſton chief-juſtice of your court of King's-Bench, William Lenthall, Eſq; maſter of the Rolls, Mr. Serjeant Wild chief-baron of your court of Exchequer, Mr. Serjeant Rolle and Atkins juſtices of the King's-Bench, Mr. Serjeant Pheaſant one of the juſtices of your court of Common-Pleas, Mr. Serjeant Creſwell, Brown, and Paleſton, barons of the Exchequer; and that the lord-chief-juſtice Banks, Mr. Juſtice Bacon, Reeves, Foſter, be continued in their offices; and that all the judges of the ſeveral courts hold their places *quamdiu ſe bene geſſerint*.

Brampſton, on the pretence that he ſtood bound by recognizance to attend the parliament, on an accuſation againſt him, having excuſed himſelf from ſitting on a commiſſion of Oyer and Terminer to attaint the earl of Eſſex, and others, of high-treaſon, had been removed from his office, and Heath appointed chief juſtice in his ſtead; but that the ſupple Banks, that infamous tool of power, who had aſſerted ſuch treaſonable arguments againſt the privilege of the people, in defence of the right of the crown to taxation, ſhould be in the liſt of the judges to be continued, does little honor to the parliament. On the conſideration of the propoſitions of peace to be ſent to the King, a vote having paſſed the upper houſe, that thoſe only who had been impeached before the firſt of January laſt, ſhould be proceeded againſt in parliament, the peers Warwic, Peterborough, Manchester, Say and Seal, Wharton, Bolinbroke, Willoughby of Parham, Brook, and Grey de Werk, for the following reaſons entered their proteſts: "Becauſe we conceive it improper for this houſe to move the houſe of Commons, in the ſtopping of their proceedings by impeachments; and that it doth not only give encouragement to a king to attempt the like ſtoppage of juſtice by force, and from this precedent to ſtand upon the protecting of perſons impeached, but to ſubjects alſo, who may be induced to undertake any thing, in hope of impunity, even from the deſires of this houſe, which hath not demanded any one of thoſe to be left to trial, who, ſince his majeſty's going to York, have been impeached of high-treaſon, for actual levying war againſt the King and kingdom." *Parl. Hiſt.* vol. XII. p. 103, *& ſeq.* 147, *& ſeq.*

Ann. 1642. to close the scene of blood; or whether they had a meaner opinion of the strength of his party than was entertained at the councils at Oxford; or whether this negociation was only set on foot, to convince their party, that there was a necessity to supply the expence of the war in a manner that should enable them to prosecute it with more vigor than it had been hitherto carried on; or whether the popular leaders gave way to the importunities of those who clamored for a treaty, on purpose to expose to the public the height of the King's pretensions *: whether one of these causes,

* What were the pretensions of the King and his party, may be discovered from lord Bristol's speech, on the occasion of the parliament's propositions for peace: "Is it fit for a King, says he, to beg peace of his subjects? for the regal authority, the immediate figure of heaven, and the deity on earth, to descend from its supreme height; and, as it were, to derive its power from a subordinate power derived from its bounty? That were to invert and vitiate the course of nature, to enforce the cause to give place to its effect, the sun to acknowledge his all-quickening heat and light emergent from the terrestial fires, created, as it were, and issuing from his influence. In Spain, where the long time I resided there as ambassador, afforded me privilege to be well acquainted with the state of that kingdom, in no age nor record can scarcely be found mention of intestine and civil wars, till these very years, when all the world labours with dissensions: the reason is, because they are truly subjects, and the sovereign truly a sovereign; and since the state here will neither be so to the King, nor suffer the King to be so to them, my reason tells me, they should be compelled to it. It is no dishonor to subjects to condescend to any propositions to their King, but it is an excessive declension and diminution to his Majesty's royalty, to submit himself to his subjects: my opinion therefore is, with all humility to his majesty, That he neither propound to the parliament, nor receive from them any condition of peace, but such as shall absolutely comply with the regal dignity and prerogative, which God and succession hath allowed him, and such as may be no way prejudicial to us or our estates. We have an army on foot, a braver the sun never shone on, an army that by force can compel that which fair words cannot effect." The earl of Dorset, it is said, in a speech in which he reprimanded the earl of Bristol for recommending the Spanish government as an example to be followed in England, urged the advantages of peace, and a speedy accommodation with the parliament; but there were many of the king's counsellors, and those about his person, whose opinions and inclinations were as malignant as the earl of Bristol: these had devoured, in their expectations, the estates and properties of the party in opposition, as the just reward of their attachment to the crown; and breathing the sentiments and inclinations of Charles, were the persons the most trusted, and the most consulted by him, in all his transactions with the parliament. Among the chief of these was Mr. Hyde, afterwards earl of Clarendon, a great favourite of the King's, in whose conduct may be traced the same inclinations as possessed the earl of Bristol, and whose writings are full of the same doctrine as is contained in his speech: this nobleman is consequently characterized by Clarendon, as a man of parts and wisdom. Whitlock, one of the parliament commissioners, says, that after they had debated some point of the treaty with the King till midnight, and had, at length, come to a conclusion, he would the next morning tell them he had altered his mind; and that the paper he now gave them was the answer he was resolved to make on their last debate. Whitlock says, there were of his party, of whom they enquired concerning this passage, who told them, that after the commissioners and the King's council were gone from him, some of his bed-chamber, and they went higher, (the princes Rupert and Maurice) hearing from him what answer he had promised, and doubting it would tend to such an issue of the treaty as they did not wish, they being rather for the continuance of the war, never left pressing him, till they had persuaded him to change his former resolution, and to give order for his answer to be drawn as it was received. The King's council who attended him at this time at Oxford, were the lord Littleton, the duke of Richmond, the marquis of Hertford, the earls of Southampton, Dorset, Leicester, Bristol, Newcastle, Berkshire, the lords Dunsmore, Seymour, Saville, Falkland, Sir John Colepeper, Sir John Banks, secretary Nicholas, and Hyde, lately appointed chancellor of the exchequer. *Rush. Clar. Hist. Whitlock.*

or all of them together, co-operated to produce the present negociation, cannot be determined: certain it is, Ann. 1642.

that

Ann. 1642. that thoſe who built any hopes on the ſucceſs of it, were very much diſappointed; for the King ſtifly inſiſted on the re-eſtabliſhment of the Crown in all its powers and prerogatives. After magnifying his grace and condeſcenſion in admitting of a treaty on the parliament's propoſitions, he agreed, that theſe, with the following ones, ſhould be together diſcuſſed by perſons appointed for this purpoſe by himſelf and the two houſes: That his majeſty's own revenue, magazines, towns, forts, and ſhips, which have been taken from him by force, be forthwith reſtored: That whatſoever hath been done, or publiſhed, contrary to the known laws of the land, or derogatory to his majeſty's legal and known power, be renounced and recalled, that no ſeed may remain for the like to ſpring out for the future: That whatſoever illegal power hath been claimed and exerciſed by or over his ſubjects by the authority of both, or either houſes of parliament, be diſclaimed; and all ſuch perſons ſo committed be forthwith diſcharged: That as his majeſty will readily conſent (having done ſo heretofore) to the execution of all laws already made, and to any good acts to be made, for the ſuppreſſing of Popery, and for the firm ſettling of the Proteſtant religion, now eſtabliſhed by law; ſo he deſires that a good bill may be framed, for the better preſerving the book of Common-prayer from the ſcorn and violence of Browniſts, Anabaptiſts, and other ſectaries, with ſuch clauſes for the care of tender conſciences as his majeſty hath formerly offered *: That

* The King had never made any offer of this kind but in general terms.

all

all ſuch perſons as, upon the treaty, ſhall be excepted Ann. 1642.
out of the general pardon, ſhall be tried *per pares*, according to the uſual courſe and known laws of the land: And, to the intent that this treaty may not ſuffer interruption by any intervening accident, that a ceſſation of arms and free trade for all his majeſty's ſubjects may be firſt agreed on. Haughty as were the ſtyle of theſe propoſitions, yet the two houſes condeſcended to appoint commiſſioners to treat with the King, Fruitleſs treaty at Oxford.
on the joint propoſitions; with an aſſent to a ceſſation, under certain limitations and reſtrictions, neceſſary to prevent the ruin of their affairs. After much controverſy on both ſides, in which Charles endeavored to outwit the commiſſioners *, he ſent a meſſage to the

* The King having again excepted againſt the lord Say, the commiſſioners ſent to treat of the joint propoſitions for peace, and the articles of ceſſation, were the earl of Northumberland, Mr. Pierpoint, Sir William Armyn, Sir John Holland, and Mr. Whitlock; but the two houſes not being entirely ſatisfied concerning the integrity and ability of their commiſſioners, ſtrictly tied them up to the words of their propoſitions, without allowing them to diſſent in any particular. Thirteen days having been ſpent in uſeleſs controverſy concerning the articles of ceſſation, the two houſes, in the following reaſons for rejecting the addition made to their articles, gave the King to underſtand, that they ſaw plainly he endeavored, by amuſing them with the hopes of peace, to draw them into conceſſions, on which he might proſecute the war with ſuperior advantages. "If we ſhould grant ſuch a free trade as your majeſty deſires, ſay they, it would be very difficult, if not impoſſible, to keep arms and ammunition, money and bullion, from paſſing into your majeſty's army. As liberty in trade, in the utmoſt extent that can be ſafely granted, is permitted by the two houſes in time of war, your majeſty, in preſſing this for the people's good, doth therein deſire that which will be very little beneficial to the ſubject, but exceedingly advantageous to your majeſty, in ſupplying your army with many neceſſaries, making your quarters a ſtaple for ſuch commodities

as

Ann. 1642. following purport, to the parliament: That as ſoon as they had ſatisfied him in his firſt propoſition, concern-

as may be veſted in the adjacent counties, and thus enable the inhabitants better to ſupport by loans and contributions your army; whilſt the army raiſed by the Lords and Commons can have no return of commodities and ſupplies which may be uſeful for them. They conceive, that in a treaty for a ceſſation, thoſe demands cannot be thought reaſonable which are not indifferent, that is, equally advantageous to both parties. As they have given no interruption to the trade of the kingdom but in relation to the ſupply of the contrary army, which the reaſon of war requires, ſo they beſeech your majeſty to conſider, whether your ſoldiers have not robbed the carriers in ſeveral parts, where there hath been ſuch reaſon, and your ſhips taken many ſhips, to the great damage not only of the merchants, but the whole kingdom; and whether your majeſty hath not endeavored, by your miniſters of ſtate, to embark the merchants goods in foreign ports, which hath been in ſome meaſure executed upon the eaſtland merchants in Denmark; and is a courſe which will diminiſh the wealth of the kingdom, violate the law of nations, make other princes arbiters of the difference between your majeſty and your people, break the intercourſe between this and other ſtates, and bring us into diſſenſions with all the neighbor nations.

"To demand the approving of the commanders of ſhips, is to deſire the ſtrength of the opponent, before the difference be ended, againſt all rules of treaty; and to make a ceſſation at ſea would leave the kingdom naked to thoſe foreign forces, and open for ſuch ſupplies of arms and ammunition, which the parliament have cauſe to believe have been ſolicited againſt them; but for conveying of forces from one part to another, they ſhall obſerve the articles of ceſſation by which that is reſtrained.

"As for the expreſſions of 'The army raiſed by the parliament,' they are contented it ſhould be altered thus, 'Raiſed by both houſes of parliament,' as not deſiring to differ upon words; but to give any concluſive power, in this caſe, to the committee, upon ſuch differences as may ariſe wherein the houſes have given no expreſs direction, is neither ſafe for the committee to undertake, nor fit for the two houſes to grant.

"It muſt be acknowleged, that the nature of war is incompatible with the ordinary rules of a peaceable government: your majeſty would have them commit none but according to the known laws of the land; whereby

ing his revenue, magazines, ſhips, and forts; reſtored Ann. 1642.
all the members of both houſes to the ſame capacity

whereby they conceive your majeſty underſtands, by the ordinary proceſs of law; which being granted, it will follow, that no man muſt be committed by them for ſupplying your majeſty with arms, powder, and ammunition; for, by the law of the land, the ſubject may carry ſuch goods from London, or any other place, to Oxford. The ſoldiers muſt not be committed, if they run from their colors, and refuſe any duty in the army. No man ſhall be committed for not ſubmitting to neceſſary ſupplies of money. It cannot be thought reaſonable, that, under the diſguiſe of a ceſſation, they ſhould admit that which will neceſſarily produce the diſſolving their army, and deſtruction of their cauſe.

"It ſeems not probable, that your majeſty doth intend that if any be taken with ſupplies for our army, or mutinying in your own, ſuch perſons ſhall not be committed, but according to the known laws of the land; that is, by proceſs of law; but rather, that your majeſty will ſo interpret this limitation of known laws, that though it lays ſtreight bonds upon both houſes, yet it leaves your generals as much at liberty as before: for it hath been denied by your majeſty, that theſe known laws give any power to the two houſes of parliament to raiſe arms; and ſo conſequently their generals cannot exerciſe martial-law, in theſe caſes; and it is not unlikely, but that it will be affirmed, that the generals conſtituted by your majeſty's commiſſion have that power by the ſame known laws; ſo that this article, under the ſpecious ſhew of liberty, would altogether diſable them to defend their liberties and laws, and would produce to your majeſty an abſolute victory and ſubmiſſion, under pretence of a ceſſation and a treaty.

"Being by neceſſity inevitably enforced to a defenſive war, in this unhappy breach between your majeſty and them; and that they are therein warranted by the laws of God and man; it muſt needs follow, that by the ſame laws they are enabled to raiſe means to ſupport that war; and therefore, till it ſhall pleaſe God to incline your majeſty to afford them ſuch a peace as may ſecure them, they cannot relinquiſh the power of laying taxes upon thoſe who ought to join with them in that defence: but if your majeſty ſhall conſent to diſband the armies, the cauſe of the war being taken away, the conſequences will likewiſe be removed, and the ſubjects reſtored to the benefit of thoſe laws, which the neceſſity of arms hath in ſuch caſes ſuſpended.

"The

Ann. 1642. of ſitting and voting in parliament, as they had the firſt of January 1641; and adjourned the parliament

"The clauſe in the third article, left out, implied a freedom of paſſage and communication of quarters; which is contrary to the nature of a ceſſation, whereby matters ſhould be preſerved in the ſtate they are, and neither party have liberty ſo much to advantage himſelf, as it is evident your majeſty might do, if your forces in the North and Weſt might join with thoſe of Oxford, and bring thither thoſe ſupplies of treaſure and arms which were brought out of Holland; or at leaſt it ſhould be ſo indifferent, as to give a proportionable advantage of the other ſide, which this does not; for the forces under the power of both houſes are ſo diſpoſed, that they have an eaſy paſſage from one to the other: but your majeſty's forces are ſevered the one from the other, by many large counties, ſtrong paſſes, and competent armies; and if they had admitted this clauſe, they had bereaved themſelves of one of the greateſt advantages, and freed your majeſty's party of one of the greateſt inconveniences which your majeſty or they have in the war.

"For the reaſons already alledged, they cannot agree with the alterations and enlargements of the ceſſation propounded, or to transfer any ſuch power to the committees, of treating, debating, and agreeing upon thoſe articles, in any other manner than the houſes have directed; but that a fair and ſpeedy paſſage may be opened to a ſecure and happy peace, they have enabled their committees to hear and debate upon the two propoſitions concerning your majeſty's own revenue, the delivery of your towns, caſtles, magazines, and ſhips, and the diſbanding the armies; which being agreed upon, a preſent peace and ſecurity will follow, and the treaty upon the other propoſition be facilitated without fear of interruption by the confuſion of war, or exaſperation of either party, by the bloody effects thereof."

As theſe arguments were too forcible not to have weight with the people, the King, fearing that a total refuſal of the ceſſation, as propoſed by the parliament, would render him odious to the people, offered to accept their conditions, provided he might not be underſtood, he ſaid, to conſent to any of thoſe unjuſt and illegal powers which they exerciſed over his ſubjects: but from henceforward the houſes declined any farther argument and debate concerning the ceſſation, and directed their committee to expedite the treaty upon the propoſitions.

It

to ſome other place, at leaſt twenty miles from London; Ann. 1642. his majeſty would then moſt chearfully and readily conſent that both armies be immediately diſbanded, and give a preſent meeting to both his houſes of parliament; he being confident that, upon a free debate in a full and peaceable convention of parliament, ſuch proviſions will be made againſt ſeditious preaching and printing againſt his majeſty, and the eſtabliſhed laws; ſuch care taken concerning his legal and known rights, and the property and liberty of the ſubject; that whatſoever hath been done by any illegal authority of both houſes, and particularly the power to raiſe arms without his majeſty's conſent, will be in ſuch a manner recalled, diſclaimed, and provided againſt, that no ſeed will remain for the like to ſpring out of it for

It is plain the King only aſſented to a treaty with a view to enſnare the two houſes into a conceſſion which ſhould put his military affairs in a better poſture, and to endeavor to perſuade the people that he was not averſe to peace on reaſonable conditions; but with a determination not to recede from thoſe terms which he knew would enable him to give the law for the future. It muſt be owned, that in theſe futile arts, calculated to deceive the vulgar, Charles was a great maſter; but having to do with adverſaries well acquainted with his character and deſigns, and fully equal to the taſk they had undertaken, he but entangled himſelf in his cobweb ſnares, and convinced the parliament, that thoſe conditions muſt be rigorous indeed, with which, with ſafety to the Commonwealth, they could reſtore ſo intriguing a ſpirit to the exerciſe of royalty. Clarendon ſays, that though there was a party at Oxford for a ceſſation, yet moſt of the King's counſellors, and many perſons who had given great life to his affairs, were abſolutely againſt it; and the conſideration of the northern forces, and the reſtraining them within their old quarters who ſeemed to be in a condition of marching up to London itſelf, prevailed very far with the King. *Ruſhworth. Clarendon's Hiſtory.*

Ann. 1642. the future, to disturb the peace of the kingdom. The King promises, in such a convention, to consent to whatsoever should be proposed by bill for the real good of his subjects, and particularly for the better discovery and speedier conviction of recusants, for the education of the children of Papists by Protestants, for the prevention of practices of Papists against the state, and the due execution of the laws and true levying of the penalties against them *. Whether he thought his

* The King himself thought these conditions as beneficial to his schemes as a carte blanch, and that the convention required would be the mere engine of his pleasure, and lay a more solid foundation for legal despotism in the crown than could be established on other grounds. Would he have mentioned the laying on greater restrictions on the Papists, from whom he had condescended to receive high obligations, and who on this account had a right to expect a return of favor, had he not been persuaded that he should have had influence enough in such a convention to make their protection the act of the assembly; or that a discretionary power to suspend law would be more fully and firmly established in the crown than it had ever been; or at least that opposition to the will of the crown would be rendered very difficult or impossible? That he knew that this was obvious enough for the Papists to understand, that he knew they were too well acquainted with his inclinations, and the power of the queen, to fear his deserting or neglecting them, is plain, or he would not have ventured by such a declaration to disgust a body of men on whom his present and future fortunes so much depended. The King knew he could depend upon his friends, and thought the efficacy of the words *parliament*, *established laws*, and *legal rights*, would deceive his adversaries into acquiescence. "If this offer, says he, is not consented to, in which I ask nothing for which there is not apparent justice on my side, and in which I defer many things highly concerning both myself and people till a full and peaceable convention of parliament, which in justice I might now require; I am confident it will then appear to all the world not only who is most desirous of peace, and whose fault it is that both armies are not now disbanded, but who have been the true and first cause that this peace

forces strong enough to make an absolute conquest of Ann. 1642.
the kingdom, or that his party in London, who were

peace was ever interrupted, or those armies raised; and the beginning or continuance of the war, and the destruction and desolation of this poor kingdom, will not by the most interested, passionate, or prejudiced person be imputed to me." Some very sensible objections had been made in the lower house against entering into a treaty before the two armies were disbanded, viz. that the Papists and malignants now about the King would effectually hinder such a peace as should interrupt their designs.

That it would not be safe for the King to yield to such propositions as should be for the suppressing Papists and malignants, his person being in their power; nor yet so safe for the kingdom, whilst arms were in their hands, and so great a party in Ireland and foreign states to encourage and assist them.

That whilst the armies were on foot, upon every difference in the treaty, both sides might be provoked with more animosity and bitterness to refer matters to the bloody trial of the sword.

That it would be more honorable for the King, and more safe for the people, that the propositions should be yielded after the disbanding than before: his majesty would be freed from the imputation of granting any thing by force, which might both trench upon his honor, and weaken the validity of the things granted; and both houses be free from that tax of unparliamentary proceedings implied in his majesty's answer, of requiring new laws by arms.

Notwithstanding the validity of these reasons, the Lords did not think fit to accede to them; and on the continuation of the debates in the lower house, it was carried, by a majority of eighty-six against eighty-three, to enter upon the treaty before disbanding: but on the manner of the King's treating with the commissioners, they afterwards received instructions to insist on the disbanding the two armies. The King, to gain time, wanted to enter into the proposition of his return; but was told, that the two houses conceived his answer to be in effect a denial, unless they departed from all those cautions and limitations contained in their reply to his first proposition; and if they had not inserted their desire of his majesty's return in their committee's instructions, it was because they conceived the disbanding the armies would facilitate his

Ann. 1642. continually entering into cabals to deſtroy the authority of the parliament, would be able to force a conceſſion to theſe unreaſonable demands; or whether in this buſineſs he was wholly directed by ſome about him, who affected the ſpoil of the party in oppoſition; it is certain, that he was obſtinately fixed on ſending this meſſage, the parliament's commiſſioners having in vain uſed many arguments to diſſuade him from it, and told him, that it would put an immediate end to the treaty. Though there were many in both houſes of parliament who, from a deſire of curbing the growing power of the people, wiſhed that every prerogative might remain with the crown that was compatible with their own ſafety, yet the King's high ſtyle convinced even theſe, that negociation without the proſecution of ſucceſsful arms would very little contribute to the deſired end *. On the receipt of the King's

reſolution therein. At this juncture, ſo ſtrong were the inclinations of the upper houſe, and many members of the lower houſe, to procure peace, that it is probable, had the King leſs preſumed on the power of his arms, he might, notwithſtanding the oppoſition of the men of diſcernment, have procured conditions from the parliament almoſt as favorable to his purpoſes as thoſe he could have gained by the ſword. "For the propoſitions, ſays Sir Benjamin Rudyard, I have not known nor heard that all the propoſitions in any treaty of importance were ever ſwallowed whole: if ſome be harſh and rough, they may be wrought and ſuppled by wiſe treaties, made fit for acceptable agreement: if others be unpaſſable, they may be totally rejected. Thoſe that are our unqueſtionable rights may be ſo claimed and held." *Parl. Hiſt.* vol. XII. p. 164, *&* *ſeq.* p. 223.

* What were the expectations of the royaliſts on the ſubject of peace, may be gathered from Clarendon, who obſerves, that if a ceſſation had been concluded, it would not only have effectually hindered the recruit of the earl of Eſſex's army, but have leſſened his preſent forces;

meſſage, both houſes reſolved to recal their commiſſioners, and poſitive orders were ſent for their immediate return *. Ann. 1642.

The queen's return.

DURING theſe tranſactions, the queen, accompanied by Jermyn and other of her favorites, landed at Burlington-Bay. She brought with her a conſiderable quantity of arms and ammunition, and ſome money †,

forces; ſince thoſe who were engaged to the parliament by pay only, would abandon a party which they muſt foreſee on a peace would be condemned, though it might be ſecure: it was the ſame expectations that no doubt kept the jarring factions in parliament ſteady to the point of oppoſition. *Clar. Hiſt.* vol. II. p. 130.

* The propoſitions of peace were ſent to the King on the twenty-eighth of January, the articles of ceſſation on the twenty-eighth of February; the treaty commenced on the fourth of March, and laſted to the fifteenth of April.

† The queen, by the intereſt of her ſon-in-law the prince of Orange, having procured in Holland many officers, arms, and ammunition, the two houſes, in September 1642, ſent one Walter Stricland as their agent to complain to the States of this treatment, and to procure intelligence of what aſſiſtance the queen had gained, and what ſchemes were carrying on againſt them. Stricland delivered in a memorial, in which the two houſes, after ſtating the conditions of the quarrel between them and their prince, put the States in mind of the ſupport they had had from England when they lay under the oppreſſions of their ſovereigns. "They could not think, they ſaid, that they would be forward to help to make that people ſlaves, who had been aſſiſtant in making them freemen; or that they would forget that their dangers were mutual, and iſſued from the ſame fountain; and that thoſe who were ſet to work to undermine religion and Liberty in England, were the ſame who by open force had attempted the ſame in the Low-Countries." They remembered them, that the two houſes had ſhewn an earneſt inclination to a national love and amity with the United Provinces, by petitioning the King that they might be joined with them in a more ſtrait league and union; and deſired for theſe reſpects that they would not contribute

Ann. 1642. having hardly eſcaped the vigilance of Batten, the vice-admiral of the parliament's fleet, who followed

bute to their troubles. Stricland was neglected for ſome time; but the States, not caring to engage in an open alliance with either party, returned anſwer to the parliament, "That they would expreſsly forbid the tranſportation of any arms or warlike ammunition into England, and would gladly employ their mediation to put an end to its troubles." This promiſe was ſo little adhered to, that during the winter ſeveral Engliſh officers and ſoldiers in the ſervice of the States came over to join the royal party; and one King, a Scot, who had been a general in their army, brought over ordnance and ammunition. The parliament re-urged on principles of gratitude and mutual ſafety their claim of friendſhip from the States, but in vain. They granted to the queen one of their men of war for a convoy, and a paſſport ſo large and general, that by virtue of it ſhe could tranſport into England what quantity of troops, arms, and ammunition, ſhe pleaſed: but, however, to prevent an entire rupture with the parliament, they ſtopped one veſſel in her train laden with ammunition. This produced a proteſtation from the queen, in which in very high terms ſhe threatened the States with the conſequence of violating the league betwixt them and the King. Clarendon ſays, that Stricland did hinder the States from giving the leaſt countenance to the King's cauſe, and ſo corrupted the Engliſh in that army and court, that there was nothing deſigned to advance it by the prince of Orange himſelf, who with great generoſity ſupplied the King with arms and ammunition to a conſiderable value, or by the private dexterity of particular perſons out of their own fortunes, or by the ſale or pawning of jewels, but intelligence was given ſoon enough to the parliament either to get ſtops and ſeizure upon it, by order of the States, or to intercept the ſupply by their navy at ſea. Clarendon is very apt to exaggerate the circumſtances he relates: the States-general refuſed Stricland audience at firſt, and after having heard him, and received his declaration by deputed commiſſioners, they laid it aſide unanſwered, till Stricland at length gaining ſome ground with the ſtates of the province of Holland, whoſe trade was more open to interruption, they arreſted ſome veſſels laden with ammunition that were intended to be ſent for England, and ſtopped ſeveral ſoldiers that were to be brought over by one captain Lloyd; and prevailing with the ſtates of the province of Zealand to enter into a neutrality with the King and parliament,

her into the Bay; and ſhooting at the ſmall veſſels that Ann. 1642.
were landing the ammunition, ſome of the bullets reached the houſe where ſhe lodged, and obliged her to remove to a more ſecure habitation *. After the

ment, the States-general at length deigned to take notice of the parliament's memorial, but never ſeized but one of the King's veſſels: and many Engliſh and Scots in the Dutch ſervice not being well acquainted with the King's character and conduct, were much inclined to his cauſe, and diſaffected to the parliament. Clarendon ſays, that the parliament had agents in France and Bruſſels which did them great ſervice againſt the King; that foreign princes either fomented the diſturbances in his kingdom, or looked on unconcerned. The truth is, Charles had perſonally offended almoſt all the great potentates of Europe, who for this reaſon interfered no farther in his quarrel than as it reſpected the Catholic cauſe, which they ſupplied by ſending arms, men, and money, to the Iriſh rebels; and that theſe ſupplies were not ſufficiently large to deſtroy the Proteſtant intereſt in the Britiſh empire, was fortunately owing to theſe powers being engaged in wars with one another on the continent of Germany. Clarendon is ſo angry with a conduct which prevented his own country from being conquered by foreign force, that he repreſents it as a breach of God's ordinance, who having created the function of kings as an order of men by themſelves, to be tried only within his own juriſdiction, and before his own tribunal, enjoins them by rules of policy to aſſiſt in the ſuppreſſion of reſiſtance to monarchy, in whatever kingdom it happens. The objections to the fantaſtical notion of kings being an order of God's ſpecial appointing, and ſpecially exempted by him from earthly juriſdiction, are too obvious to be here inſerted; and for that part of the obſervation which relates to policy, perhaps a conduct which would effectually ſhew mankind that right juſtice and the happineſs of the whole ſpecies were rendered ſubordinate to the intereſts of a few individuals, would the moſt naturally lead to the total extinction of the function of kingſhip itſelf!

* Clarendon obſerves, that the parliament took no notice of this barbarous and treaſonable act; that many believed it was pleaſing to, if not commanded by them; and that if the ſhips had encountered at ſea, they would have left no hazard unrun to have deſtroyed her majeſty. Certainly Clarendon is ſo far right in his conjecture, that the par-

Ann. 1642. Strength of the royal party in the North.

queen's arrival, the King's affairs in the North grew every day more proſperous; numbers of Roman Catholics enliſted themſelves under the banners of their patroneſs, and, when united to the forces collected under the earl of Newcaſtle, made ſo formidable a body, that lord Fairfax was obliged to quit Selby, Cawood, and Tadcaſter, and keep on the defenſive in Pomfret and Hallifax*. Two regiments of militia raiſed in Richmondſhire and Cleveland had, on the earl of Newcaſtle's entering into Yorkſhire, diſſolved of themſelves. He had garriſoned Newark in Nottinghamſhire, which prevented the lord Fairfax's receiving aſſiſtance from the parliament's party in Lincolnſhire. A detachment of his forces under the command of Mr. Cavendiſh took the town of Grantham in this county, with three hundred priſoners, arms, and ammunition; and Sir Hugh Cholmondely delivered up Scarborough-caſtle to the queen. In the Weſt, which in the beginning of the conteſt had been totally ſubjected to the parliament, a revolution had happened in favor of the royaliſts. The marquis of Hertford, by a very ſuperior force

parliament, on motives of prudence and conſiſtence with the principles on which they profeſſed to act, would, had they met with, have attacked an enemy that was bringing over forces to invade the country. *Clar. Hiſt.* vol II. p. 109.

* Fairfax's account of the ſtate of the northern counties tells the parliament, that the enemy was mighty and maſter of the field, plentifully ſupplied from his majeſty and the popiſh and malignant party with money and all other neceſſaries; that the well affected party, as it was now divided, was not conſiderable, the aid from Lincolnſhire, Derbyſhire, and other counties, very uncertain, and the want of money ſuch as would force him to diſband in ten days. *Parl. Hiſt.* vol. XII. p. 96, *& ſeq.*

under

under the earl of Bedford, had been driven out of Devonſhire into Wales, whilſt Sir Ralph Hopton, Sir John Berkeley, colonel Aſhburnham, and other active royaliſts, whom Charles had ſent into thoſe parts to aſſiſt Hertford, retired into Cornwall. Bedford, who had made a very ill figure in his military capacity, thinking his conqueſt complete, left this party, conſiſting of one hundred horſe and fifty dragoons, to be ſuppreſſed by a committee of parliament and the militia of the county of Devon. At the quarter-ſeſſions of the county of Cornwall, the committee cauſed a preſentment to be drawn againſt theſe men, as coming armed into the county againſt the peace; but ſo entirely inclined the affections of the Corniſh gentry on the ſide of prerogative*, that, on Sir Ralph Hopton's producing the King's commiſſion to the marquis of Hertford, conſtituting him general of the Weſt, and the marquis's commiſſion to himſelf, appointing him general of his horſe, the grand-jury, which conſiſted of the gentlemen of the greateſt fortunes in the county, acquitted Sir Ralph Hopton and his companions; acknowleged themſelves much indebted to the King, for the care he had ſhewn of their ſafety; and profeſſed, that they were ready to join with the adventurers in any hazard of life and fortune. On an indictment being preferred againſt Sir Alexander Carew, Sir Richard Buller, and the reſt of the committee, it was found by the jury; and an order of ſeſſions granted to the high-ſheriff, a perſon devoted to the King, for diſperſing a body of militia Ann. 1642.

* Clarendon ſays, that a great veneration for the book of Common-Prayer, and a jealouſy that the parliament deſigned to alter it, was in theſe counties an advancement of the King's intereſt. *Clar. Hiſt.* vol. II. p. 98.

Ann. 1642. The King's ſucceſs in Cornwall.

aſſembled with the committee of Launceſton. A large body of train-bands being aſſembled on this order, they were put under the command of Sir Ralph Hopton, who marching immediately to Launceſton, Sir George Chudleigh, who had appeared very active for the militia, but in his heart was diſaffected to the cauſe *, retreated before him, though accompanied with five or ſix full troops of horſe; and the committee, not finding themſelves ſtrong enough to ſtand the attack, quitted the town, and retired into Devonſhire. The train-bands having performed this ſervice, pleaded their privilege, that they could not legally be carried out of the county, without their conſent: the officers, though very unwilling, were obliged to admit the plea †; and marching to Saltaſh, from whence they drove a garriſon of two hundred Scots, they diſmiſſed theſe troops, whoſe tenacious regard to law rendered them uſeleſs in the buſineſs of extending their conqueſts. Sir Ralph Hopton ‡, Sir Beville Grenville,

* As Sir George Chudleigh behaved treacherouſly to his truſt; and as his treachery was a great means of the proſperity of the King's affairs in the Weſt, Clarendon allows he was a gentleman of good fortune and reputation, though he had been active for the militia.

† "How grievous ſoever this doctrine was diſcerned to be, ſays Clarendon, yet no man durſt preſume ſo far upon the temper of that people, as to object policy or neceſſity to the notions of law." It muſt be obſerved, that this author is extremely tenacious of the laws when they aſſiſt the pretenſions of his party, but very much diſpleaſed with the tenacity of others, when an adherence to law happens to be prejudicial to the cauſe in hand. *Clarendon's Hiſt.* vol. II. p. 99.

‡ Sir Ralph Hopton had been a warm advocate for the power and privileges of parliament, but having been impriſoned by the authority of this aſſembly, for ſhewing ſome petulance in his diſſent to one of their remonſtrances, he turned a yet more zealous partizan of the King's.

Sir

Sir Nicholas Stanning, Trevannion, and Arundel, were zealous enough to raiſe and arm, at their own charge, a body of foot, of near fifteen hundred men: with theſe they not only preſerved the entire conqueſt of Cornwall, but made ſucceſsful incurſions into Devonſhire. The fame of theſe exploits gave ſuch an alarm to the parliament, that they ordered Ruthen, a Scotſman, the governor of Plymouth, and the earl of Stamford, to put themſelves at the head of all their forces in Dorſetſhire, Somerſetſhire, and Devonſhire; and to ſubdue Sir Ralph Hopton, and his party, before they made any farther progreſs. On the advance of Ruthen, who was followed with another conſiderable body of men, under the command of the earl of Stamford, Hopton and his party retired to Bodmin, where they had ſummoned the train-bands of the county, who, on the fame of this invaſion, attended them in conſiderable numbers. Ruthen, emulous of enjoying, without a rival, the reputation of giving a total defeat to the enemy, haſtened to an action; a circumſtance which, with more reaſon, was equally deſired by the royaliſts. Inſtead of a victory, of which Ruthen had thought himſelf ſecure, he met with a total defeat, on a place called Bradoc-Downs, with the loſs of twelve hundred and fifty priſoners, his colors, artillery, and arms; and flying with a few broken troops to Saltaſh, from thence eſcaped, almoſt alone, with ſome difficulty, to Plymouth, leaving his ordnance, with a ſhip of four hundred tons he had brought to defend this town, behind him *. Stamford having not forces ſufficient to engage Hop- Ann. 1642.

* Sevenſcore priſoners fell into the hands of the enemy.

Ann. 1642. ton's victorious band, retired with precipitation, and diſtributed his troops into Plymouth and Exeter. After this ſervice, the Corniſh train-bands, according to their wonted cuſtom, diſbanded; and the royaliſts, being in want of two eſſential articles, money and powder *, were conſtrained to enter into a convention of neutrality with the parliamentary party in Devonſhire.

Cirenceſter taken by the royaliſts.

THE northern and weſtern counties were not the only parts of the kingdom in which the balance began to turn in favor of the King; the marquis of Hertford, having raiſed in Wales a body of two thouſand foot, and one regiment of horſe, had, in his way to Oxford, attempted, tho' in vain, to ſurpriſe Cirenceſter, a town in Gloceſterſhire, which being ſituated on the edge of Wiltſhire, Berkſhire, and Oxfordſhire, very much ſtreightened and incommoded the King's quarters; and, from this circumſtance, being an object of importance to both parties, was ſtrongly garriſoned by the parliament, and again attempted by prince Rupert. The town being taken by ſtorm, a whole regiment of the parliament forces were put to the ſword, and eleven hundred priſoners fell into the hands of the enemy, with four thouſand ſtands of arms, and the whole magazine. The conqueſt of this town extended the King's quarters from Oxford to Worceſter, the two counties of Hertford-

* Clarendon ſays, that captain Carteret, the late comptroller of the navy, who, in the beginning of the conteſt, had tranſported himſelf into Jerſey, as if ſent by Providence, now came into Cornwall, to raiſe a troop of horſe for the King's ſervice; and, on the deſire of the party, returned into France, from whence he undertook to ſupply them with a ſufficient quantity of powder. *Clar. Hiſt.* vol. II. p. 104.

ſhire

ſhire and Worceſterſhire having been left free to the ene- Ann. 1642.
my, on the earl of Stamford's removal to the Weſt. The rapacity and profligacy of the King's army, with the cruelty that prevailed in the councils at Oxford, in ſome meaſure rendered this important conqueſt an incident diſadvantageous to the King. The gentry of fortune in theſe parts having retired to Cirenceſter with their effects *, the town afforded much plunder: this was ſo indiſcriminately ſeized by the ſoldiers, that many men, who had been impriſoned by the garriſon, for being notoriouſly diſaffected to the parliament, found in the ſucceſs of their party their liberty and their ruin together †. The fame of the plunder of this town, with the great diſorders and exceſſes which the King's army had, from the beginning of the war, committed in their marches and quarters, determined many to act againſt him, who had at firſt endeavored to preſerve a neutrality; and the diſreputation which the cauſe of prerogative incurred from theſe incidents, was much increaſed by the treatment of the priſoners taken at Cirenceſter ‡. Theſe unfortunate captives, many of them being wounded, were ſtripped almoſt naked, tied together with cords, and in this condition driven

Clarendon's Hiſt. vol. II. p. 97.

Whitlock, p. 64. Cruelty of the royaliſts.

* It was in the beginning of the war thought impregnable to any force the King would be able to raiſe.

† One John Plot, a zealous royaliſt lawyer, found, on his return to his houſe, that it had been plundered of 1200l. one penny of which he could never recover.

‡ The ſpirits of the party being raiſed by the preſent unexpected appearance of their affairs, Charles now flung off the counterfeit character of candor and humanity, which his neceſſity had obliged him to adopt.

along

Ann. 1642. along with whips to Oxford, where they were expoſed to the inſults of the King and court, who made themſelves merry with their miſery *. A plot to deliver up the city of Briſtol to the King, was diſcovered by Nathaniel Fiennes, the governor, and the principal perſons concerned in it were executed †. The earl of

* Whitlock ſays, that a proper handſome young man of ſpirit, whoſe ſkin, where it could be ſeen for the blood which trickled down his wounds, appeared remarkably delicate, not being able to walk on account of his weak condition, was for this reaſon put on the bare back of an horſe; on which, though his wounds gaped wide, and his body was in a manner covered with blood, he ſat upright with an undaunted countenance. On his coming near the King, a brawling woman, to make her court, cried out, "Oh you traitorly rogue, you are well enough ſerved:" To this brutal inſult the ſpirited youth returned a ſcornful look, and crying, "you baſe whore," dropped down dead. *Whitlock*, p. 64.

† Theſe were Yeomans and Boucher. To Yeomans, the laſt year's ſheriff, the King had ſent a commiſſion to raiſe forces, and appoint what commanders he thought proper. Yeomans, on this authority, joined with Boucher to form a plot to ſeize the city for the King: ſeveral other inhabitants entered into the deſign, but it was diſcovered the very night it was to be executed. On the parliament's ſending down a commiſſion to proceed againſt the conſpirators by martial law, the King writ to Fiennes the governor, that he would retaliate on the priſoners in his hands. Fiennes returned a ſpirited and ſenſible reply, in which, having obſerved on the difference between priſoners of war and ſpies and conſpirators, he ſhewed that the parliament had in their hands priſoners enough to make repriſals. This reply of Fiennes' produced a letter from the King to the mayor and aldermen of Briſtol, commanding them and the other inhabitants to riſe againſt the governor and garriſon, and ſet the convicts free. This mandate little profited Yeomans and Boucher, who were executed according to their ſentence; nor did the King think fit to realize his threat on his priſoners, ſome of whom, viz. captain John Lilburn, Cliſton, Cateſby, and Robert Vivers, had before narrowly eſcaped his vengeance; a ſentence of death having been paſſed upon them

Worceſter and his ſon the lord Herbert, two Papiſts, who, Ann. 1642.
on the authority of commiſſions they had received from the King in the * beginning of the war, had raiſed in Wales fifteen hundred foot and near five hundred horſe, after ſome little ſucceſs, attempted to take Gloceſter; but Sir William Waller, an officer of rank in Eſſex's army, with a party of light-horſe and dragoons, to the number of two thouſand, after taking Wincheſter † and Chicheſter ‡, made a rapid march through Wiltſhire, ſeized Malmſbury by the way, a ſmall garriſon of the King's, and advanced to Gloceſter, where he ſurprized the lord Herbert's Welch forces, which had blockaded this city; and

Succeſſes of the parliament.

them by Sir Robert Heath, by virtue of the King's commiſſion of Oyer and Terminer to try his opponents for high-treaſon: but the parliament declared, that were it put in execution, they would upon this, or any other ſuch occaſion, inflict the like fate on the priſoners in their power. This exertion of the parliament preſerved their friends from the violence intended them; but captain Robert Ludlow (the hopeful ſon of that zealous partizan of Liberty Sir Henry Ludlow, who had engaged every member of his family in the cauſe) died of the ill uſage he received from the enemy. *Ludlow's Memoirs*, p. 32.

* They were appointed to the government of South-Wales. Clarendon obſerves on theſe commiſſions, that it was to be hoped the prejudices which had been againſt the houſe of Worceſter, and the popiſh religion profeſſed there, would have been compoſed by the publicheartedneſs of thoſe who, for the cauſe and conſcience-ſake, would, it was hoped, ſacrifice all trivial and private contentions to an union that muſt vindicate the religion, honor, and juſtice, of the kingdom. *Clar. Hiſt.* vol. II. p. 118.

† In this town was taken priſoner the lord Grandiſon and 24 officers of inferior rank, 700 private ſoldiers, 600 officers, and 600 arms.

‡ The townſmen were ſo diſaffected to the cauſe, that the garriſon was obliged to ſurrender after a ſiege of a little more than a week, on no better conditions than quarter. *Clar. Hiſt.* vol. II. p. 96.

being

Ann. 1642. being ſeconded by a briſk ſally from the town, gave them a total defeat, killed five hundred on the ſpot, and took one thouſand priſoners. From Glocester he proceeded to the city of Hereford, where the fame of his victory had ſo terrified colonel Price, the governor, that he ſurrendered on the firſt ſummons. The town of Tewkſbury was equally compliant; but Waller, having intelligence that prince Maurice, with a large party of horſe, was on his way to fight him, contented himſelf with ſending the ſoldiers and the conſiderable men out of the towns he had taken priſoners to Briſtol; neither placing garriſons in his new conqueſts, nor ſitting down before Worceſter, which had refuſed him admittance, but returned to Glocester, and from thence re-joined Eſſex's army.

The advantage the public cauſe had gained from the active genius of Waller, was more than balanced by a loſs at this time received in Leiceſterſhire. The Cloſe of the cathedral of Lichfield, which had been erected by one of its biſhops, being capable of making a good defence by its natural advantages, and the fortifications which had been made round it, was ſeized for the King by a party of royaliſts. To ſuppreſs this growing faction within the limits of his aſſociation, Robert Greville lord Broke put himſelf at the head of a body of horſe and foot, drawn from the earl of Eſſex's army and the garriſons of Warwic and Coventry, which were joined to an additional power Sir John Gell had brought from Derby. With theſe, after he had ſeized a magazine of the King's at Northampton, and from Stratford upon Avon had beat a detachment of his forces under the co-

colonels Croker and Wagſtaff, he advanced to Lich- Ann. 1642.
field, which city being unfortified was abandoned by the royaliſts, who retired into the Cloſe. The general, too careleſs of his ſafety, lodged in a houſe within muſket-ſhot of the Cloſe; and in his chamber, the day he meant to aſſault it, whilſt he was concerting diſpoſitions for the ſiege, the window being open, a muſket-ſhot from the wall of the Cloſe by the hand of a private ſoldier took him in the left eye, and killed him on the ſpot. Thus the fatal aim of a common hireling deprived the nation of an eminent citizen, whoſe every action of public life, flowing from the two affections of fixed averſion to deſpotiſm, and an ardent love for Liberty, carried the tinct of a brilliant patriotiſm. He was deſcended from a younger ſon of Fulk Greville, created lord Broke by King James, yet ſucceeded this nobleman in his title. His breeding was at Cambridge, where he made ſo great a progreſs in letters, that even thoſe who hated him for his political conduct, allow that his learning was conſiderable for his rank *. His natural good ſenſe and gene-

Death and character of the lord Broke.

Wood's Athenæ Oxonienſes.

* He wrote and publiſhed the following pieces: The Nature of Truth; its Union and Unity with the Soul, which is one in its Eſſence, Faculties, Acts, one with Truth. Lond. 1640. 12mo. A Diſcourſe opening the Nature of Epiſcopacy as exerciſed in England. Lon. 1641. 4to. Anthony Wood ſays, that lord Broke was aſſiſted in this work by ſome puritanical miniſters. Milton commends it for breathing the ſpirit of toleration, which, as Mr. Walpole obſerves, in his Hiſtory of Noble Authors, was not the ſpirit of the puritans. There are four ſpeeches publiſhed that were ſuppoſed to be ſpoken by lord Broke; two in the Guildhall in London, concerning the King's refuſal of a treaty of peace; one at the election of his captains and commanders, at Warwic-caſtle; and an anſwer to the ſpeech of Philip earl of Pembroke concerning accommodation, in the houſe of Lords, December the 19th.

Ann. 1642. roſity of mind, enlarged by ſcience, occaſioned him to view the ſlavery into which his country was fallen in its true colors; and the warmth of his feelings made him reſent it ſo ſtrongly, that he not only choſe to forego the trifling advantages of rank among a ſet of fellow-ſlaves, but the ſweets of living in his own country, to find a retreat among the ſavages of America. An exertion of tyránny fatal to its authors prevented him from putting this deſign in practice*. The oppreſſions of the court at length rouſing a ſpirit of oppoſition, the lord Broke had the reſolution to refuſe the King to enter into an engagement which he propoſed to the peers at York, of profeſſions of adherence to him, and abhorrence of the Scots, who

1642. The three firſt ſpeeches are genuine; but this laſt, which breathes a ſpirit of acrimony foreign to the gentle nature of lord Broke, is ſpurious. Clarendon, in his own Life, publiſhed in 1761, confeſſes with triumph that the ſpeech was written by himſelf, and publiſhed in lord Broke's name, to make this nobleman odious. Such were the employments of the King's counſellors, and ſuch the low arts practiſed at Oxford. Clarendon farther tells us, that it was lord Pembroke's vanity which prevented this ſpeech from being diſclaimed by authority; for many ſpecious arguments for an accommodation having been put in Pembroke's ſpeech, it gained him ſuch applauſe from the populace, that he oppoſed an intended motion of lord Broke's to the upper houſe, for the burning the publication by the hands of the hangman; the earl of Portland, a diſguiſed Papiſt, who had attended parliament on purpoſe to do the King ſervice, and who was the agent in this buſineſs, having occaſioned it to be printed in ſuch a manner, that where the earl of Pembroke's ſpeech ended on one ſide the leaf, the lord Broke's began on the other ſide. *Clar. Life*, vol. I. p. 136, *& ſeq.*

* Broke, Hazlerig, Cromwell, Hampden, who engaged with ſuch ſpirit and ſucceſs againſt the tyranny of the crown and mitre in England, could have done them little miſchief in America.

were

were termed rebels. The lord Broke was one of the Ann. 1642. moſt active members in the upper houſe, in all the patriot meaſures purſued by the parliament in 1640. When the ordinance for the militia took place, he was appointed lieutenant of Warwicſhire, accepted of a colonelſhip in the militia, and ſoon after the commencement of the war was nominated to the command of the aſſociated counties of Leiceſter, Stafford, and Derby. In this office he exerted the utmoſt ſpirit and gallantry, till the fatal hardineſs of a courage which diſcarded prudence deprived his country of the double advantages they derived from his ſpirited counſels in the ſenate, and his intrepid conduct in the field. Nor was his death only a public loſs; his mild, affable, humane, and civilized manners, with all the train of virtues that adorn private life *, rendered the ſiege of Lichfield Cloſe an incident of continual regret and mourning to his numerous friends. As his oppoſition to the King was directed by the conviction of his judgment and conſcience, it is ſaid, that in his prayers he aſked of

* The royaliſts being obliged to own (or having nothing to object againſt) the virtues of lord Broke, ſuppoſe, that if he had lived longer, he would have ſeen what they term his errors, and deſerted his party. Clarendon in this point differs from his brethren, and obſerves, he was undoubtedly one of thoſe who could have been with moſt difficulty reconciled to the government of the church and ſtate; and therefore his death was looked upon as no ill omen to peace, and exceedingly lamented by his party, who had ſcarce a more abſolute confidence in any man than in him. Previous to this obſervation, the ſame author gives an unwilling teſtimony of his conſcientious character, viz. that thoſe who were acquainted with lord Broke believed him to be well natured and juſt, and rather ſeduced and corrupted in his underſtanding, than perverſe and malicious. *Clar. Hiſt.* vol. II. p. 114.

 God,

Ann. 1642. God, that if the cauſe he was engaged in was not right, he might be cut off. His happening to repeat this token of his ſincerity on the day he died, it furniſhed triumph to the royal party, who, according to the wonted cuſtom of ſuperſtitious bigots, proclaimed this as an immediate interpoſition of Providence; and lowering the divine character to the level of human vitiated judgment, aſſerted, that ſudden deſtruction was the way which God had taken to correct the errors of a religious conſcientious man *.

* Thoſe accidents of the war whoſe circumſtances are congruous with particular incidents pertinent to their different opinions, are by the weak enthuſiaſts of both parties, according as it favors their cauſe, claimed as interpoſitions of Providence, commonly called judgments; but in allowing that the conſequence of actions determines them juſt or unjuſt, they neither of them conſider that they give an advantage to their opponents equal to what they claim themſelves, ſince from the natural incidents of war each party had an opportunity to triumph in their turn. The remarks of the partizans of the crown and church on the death of lord Broke, ſhew too much the ſuperſtitious bigotry of the party, to be omitted. Wood, in his Athenæ Oxonienſes, to make the judgment more ſignificant, tells us, "That lord Broke being ſent to aſſault the church Cloſe at Lichfield, then defended by a ſmall garriſon placed there by his majeſty out of a pious intent for the preſervation of the cathedral, intended, when taken, to be deſtroyed by the lord Broke, was, though harneſſed with plate armor cap-à-pee, ſhot from the church in the eye by one Diot a clergyman, who could neither hear nor ſpeak; that this memorable accident happened on the ſecond day of March, 1642, the feſtival of that ſome time famous biſhop St. Cedd or Chadd, to whoſe memory Offa, ſome time king of the Mercians, did erect the ſaid cathedral, and devoutly dedicated it." Clarendon, in the ſame ſtyle which he always uſes when he ſpeaks his own ſentiments, gravely in the following words ſays, "There were many diſcourſes and obſervations upon the lord Broke's death; that it ſhould be upon St. Chadd's day, by whoſe name, he being a biſhop ſhortly after planting Chriſtianity in this iſland, that church had been anciently called; and it

Ann. 1642. The death of their general, inſtead of daunting the ſoldiers with ſuperſtitious terror, heightened their courage with the deſire of vengeance. Under Sir John

it was reported, that in his prayer that very morning, for he uſed to pray publicly, though his chaplain were in the preſence, he wiſhed that if the cauſe he was in was not right and juſt, that he might be preſently cut off. The pious Laud, himſelf under the affliction of confinement in the Tower of London, made the following memorial in his Diary: "Thurſday morning, March 2d, St. Cedd's day, the lord Broke ſhot in the left eye, and killed in the place at Lichfield, going to give onſet on the Cloſe of the church, he ever having been fierce againſt biſhops and cathedrals, his bever up and armed to the knee, ſo that a muſket at that diſtance could have done him little harm." The ſame Laud farther obſerves on the following anſwer of Broke's to a young lord, who had ſaid he was ſorry for the archbiſhop's commitment, if it were but for the building of Paul's, "I hope one of us ſhall live to ſee not one ſtone left upon another of that building;" "But the church ſtands yet, and that eye is put out which hoped to ſee the ruins of it. He was killed in the place without ſpeaking one word; he that was an enemy to cathedrals died in the aſſault of a cathedral; it was on St. Chadd's day. This lord Broke, who did often brag that he ſhould ſee the millenary fools paradiſe begin in his life-time, did give occaſion, by words that he uttered to certain obſerving perſons, to think that his death was near, viz. that at his going out of Coventry, when he went toward Lichfield, he gave order to his chaplain, that he ſhould preach upon this text, "If I periſh I periſh," being the words of Eſther in a different but far better cauſe; alſo that in a prayer of above an hour long, which he conceived before his ſetting on the Cloſe, he was heard to wiſh that if the cauſe he was in were not right and juſt, he might be preſently cut off, uſing the like expreſſions to his ſoldiers alſo."

Such were the obſervations and reflections made by the zealous royaliſts and devout churchmen on the fate of a worthy man, who fell a victim to his principles and conſcience. There are weak bigots and fanatics in all opinions; if the Puritans had their Prynnes, their Burtons, and their Vicars, the Epiſcopalians had their Clarendons, their Souths, and their Lauds. Dr. South, in one of his ſermons, treats largely of God's vengeance againſt the profaners of St. Chadd's day.

Gell,

Ann. 1642. Gell, who ſucceeded to the command, the ſiege was carried on vigorouſly, and the Cloſe taken, with the earl of Cheſterfield and the garriſon priſoners. This buſineſs was ſucceeded by a ſharp combat between Sir John Gell and the earl of Northampton, who was advancing from Banbury to relieve Lichfield, in his way to Stafford. Sir John Gell was joined by a body of men under the command of Sir William Brereton. Northampton, who was unacquainted with this circumſtance, marched out of Stafford to fight Gell. The two armies met on Hopton Heath. Gell's horſe was routed; but his foot having the better of the King's infantry under Sir John Byron, rendered it ſomewhat doubtful on which ſide was the victory. The King's forces retreated to Stafford, with the loſs of their general the earl of Northampton, whoſe zeal for the cauſe he was engaged in, and deteſtation of the enemy, made him refuſe quarter *. On the parliament's ſide was loſt a great number of men, and eight pieces of cannon.

On the very day that the parliament ordered their commiſſioners from Oxford, the earl of Eſſex, who had drawn his troops together about Windſor for the purpoſe, was directed to lay ſiege to Reading. This town, which was but indifferently fortified, and ill provided

* Northampton's refuſing to take quarter, humanely offered him by the enemy, in the following abuſive terms, "That he ſcorned to take quarter from ſuch baſe rogues and rebels," is related by Clarendon as a circumſtance that does honor to his memory. It is ſaid that the King gave away from the ſon of this earl the rangerſhip of a foreſt which he had ſolicited; and on being remembered of his father's ſervices he replied, "Hath the earl done more than became him, to die for his King?" *Clar. Hiſt.* vol. II. p. 115.

with

with ammunition, was thought to be ſo little able to Ann. 1642.
reſiſt a ſiege, that it was reſolved in Charles's council of war to diſcontinue the works, and draw off the magazine and garriſon, conſiſting of three thouſand foot and three hundred horſe. This was to be done before the end of April; but the parliament having put an end to the treaty ſooner than was expected, and their forces appearing before the town earlier than it was imagined they would venture the field, the reſolution did not take place: the parliament forces that ſat down before Reading amounted to ſeventeen thouſand men, horſe and foot *. In a council of war it was determined rather to attack the town by regular approaches †, than to attempt the taking it by ſtorm. The ſixth or ſeventh day of the ſiege Sir Arthur Aſton, the governor of Reading, was diſabled by a brick-tile from the impulſe of a cannon-ſhot lighting on his head. This accident occaſioned ſuch diſmay in the garriſon, that though commiſſary Wilmot, with a detachment of horſe from Oxford, had found means to throw in five hundred men with a ſupply of powder, they ſurrendered the town to the enemy; but on articles of capitulation which were favorable to the King, except one, which delivered up to the vengeance of parliament the deſerters of their party. On Aſton's misfortune, the chief command had devolved on colonel Fielding, who found means, the King being on his march from Oxford with an intent to favor the retreat of the garriſon, to get out of the

Reading retaken by the parliament.

* This was a very ſuperior army to what the King had at Oxford.

† Clarendon ſays, that this was the firſt regular ſiege that happened in England.

town,

Ann. 1642. town, and conſult his pleaſure on the ſubject of capitulation. As Ruthen the King's general, lately created earl of Forth *, had been repulſed in an attempt to force the paſs of Caverſham Bridge, which led to the town †, the King was glad to accept of terms that ſecured him his garriſon, with their arms, baggage, and ammunition; but on pretence that he had never ſeen the articles in writing, and only in general terms conſented that the garriſon ſhould march away with their arms and baggage, if the enemy agreed to thoſe conditions, and that colonel Fielding had not repreſented to him the ſtate of the town fairly; he was afterwards tried, and ſentenced to loſe his head by a council of war at Oxford, but obtained a pardon.

Treacherous conduct of Eſſex.

THE ſiege of Reading was an enterprize concerted by Eſſex, and obſtinately inſiſted on by him, with a deſign to retard the progreſs of the parliament's arms; the ableſt men in the ſecret committee for military affairs, and particularly Mr. Hampden, having planned the nobler project of marching ſtraight to Oxford ‡; and as the King was at this time in extreme want of ammunition §, that

* Ruthen had fought the King's battles in Scotland as governor of Edinburgh-caſtle.

† Fielding being on a treaty with the enemy had made no motion to favor the attack.

‡ It was probably with the ſame deſign that Eſſex preferred the attacking Reading by a regular ſiege than by ſtorm; the latter in a council of war having been preferred by the officers of horſe, and among them Mr. Hampden. *Cla. Hiſt.* vol. II. p. 178.

§ The King had no other ſupply of powder than the remainder of the 400 barrels ſent by the queen from Holland before the commencement of hoſtilities, at this time diſtributed in his ſeveral garriſons. In the magazine at Oxford there was not 100 barrels, nor match proportionable to the powder. *Clar. Hiſt.* vol. II. p. 177.

important place, with all its dependant garriſons, muſt Ann. 1642.
have fallen into their hands *. Eſſex got rid of this advice, importunately ſeconded by all the zealous opponents of the court, on the pretence, that if the King ſhould ſuffer himſelf to be beſieged in Oxford, as there were yet in the nation, army, and parliament, a great veneration for his perſon, it might occaſion fatal conſequences, eſpecially if they left ſo large a garriſon as Reading at their back. On this laſt conſideration Eſſex's opinion was ſubmitted to; but now that Reading was ſurrendered by the enemy, the debate was reſumed with warmth, and Hampden and his friends ſtrongly urged that the army ſhould immediately march to Oxford. Eſſex, in this difficulty, had recourſe to Sir John Merric, and other officers promoted by his recommendation, whoſe reputation for experience always aſſiſted him at a pinch to damp the vigor of the committee's councils. It was now pretended that the wet ground and inclemency of the weather had ſo infected the ſoldiers with ſickneſs, that it would be a high degree of raſhneſs to proceed on another expedition †.

* Oxford was not ſufficiently fortified to ſtand a ſiege, the garriſon not well provided for, and the multitude of nobility, ladies, and gentry, that followed the court ready to take and ſpread terror on any alarm. Clarendon ſays, if Eſſex had made a ſhew of marching his army that way, Oxford, and all the garriſon round it, would have been quitted to him. *Clar. Hiſt.* vol. II. p. 184, 188.

† The hardſhips of the field had been much abated by the care and affection of private perſons in the city of London, who by voluntary contributions ſent every day waggons and carts loaded with choice proviſions to the army before Reading, who were likewiſe ſupplied in a

Ann. 1642. Theſe reaſons, though weak, were ſo obſtinately inſiſted on, that they prevailed. The parliament's army went a ſecond time into winter-quarters; and the King, who, on the report that Eſſex had advanced toward Oxford, had determined to retire into the North, on the aſſurance of his pacific diſpoſition, put his army into a poſture to abide the enemy. Great was the diſquietude which the conduct of Eſſex occaſioned in the parliament and city. Their troops having taken the field too early for ſoldiers young in the practice of military operations, were conſumed with diſeaſes, without performing any ſervice ſuitable to ſuch an exertion; and the King, who had in a manner ſuffered no loſs *, ſince he never meant to keep Reading, had his forces ready to take the field, whilſt to put theirs into a poſture of war required a great additional expence. A diffidence either of the head or heart of a commander in chief muſt needs occaſion in his party anxious apprehenſions. Eſſex's overſight at Edg-hill and Brentford had not been unſeen, though they were paſſed over, on the hopes that regard to his perſonal ſafety would encline him to act more cordially for the public, when, by the conſequence of his former faults, the King's affairs carried a triumphant appearance: but his neglecting to cruſh the hopes and formidable pretenſions of the royaliſts, when ſucceſs began to preponderate on their ſide, gave but too cogent reaſon to

regular way by commiſſioners appointed for the purpoſe. *Clar. Hiſt.* vol. II. p. 178.

* The granting ſuch good conditions to the garriſon of Readin g was numbered in the ſcale of Eſſex's treacheries.

con-

conclude him not a cool friend, but an enemy in diſ- Ann. 1642.
guiſe. Theſe uneaſineſſes were much encreaſed by a very important loſs the party ſome time after this ſuſtained. Eſſex, on the blame he had incurred for ſhutting himſelf up in Reading, made a motion towards Oxford, and fixed his head-quarters at Thame, on the borders of Buckinghamſhire, to protect from depredation that county, which had expreſſed ſo much zeal for the parliament *.

One Hurry, a Scotſman, a colonel in the parliament-army, not thinking he had preferment equal to his merit, offered his ſervice at Oxford †, and propoſed to conduct the royaliſts where they could make great havoc on his unprepared comrades. Prince Rupert took him at his word, and the diſpoſition of the enemy's quarters being very looſe, and in diſperſed bodies, he routed two regiments of cavalry and one of infantry, and carried execution within two miles of the general. On the alarm the treachery of this baſe Scot occaſioned,

* A letter to the parliament, reſpecting the ſituation of the county, informs, that the King had ſent into thoſe parts twelve or fourteen hundred of his forces, commanded by the earl of Cleveland, accompanied with the lord Chandois and Crawford, and Sir John Byron; that theſe troops pillaged and plundered towns, and committed many murders; one on a woman big with child, who could make no reſiſtance; that they deſtroyed all the houſhold goods they could not carry away, ſpoiled the country, and, in the exerciſe of their cruelty, had fired a country village called Swanburn. *Parl. Hiſt.* vol. XII. p. 259, *& ſeq.*

† Hurry was a man of vicious morals, which occaſioned the parliament not to encourage him in the manner he expected. *Clar. Hiſt.* vol. II. p. 204.

Ann. 1642. the whole army was roufed; each valiant foldier with eager and indignant haſte mounted on horſeback to purſue the victor, recover the priſoners, and revenge the inſult. Among the moſt forward of theſe was the gallant Hampden, who, though a foot officer, joined the horſe as a ſimple volunteer, and Rupert being overtaken on Chalgrove field, entered into the heat of the combat. The orders which Eſſex had given were, to entertain the prince with ſkirmiſhes till he could come up; but on a view of the enemy loaded with ſpoil, the officers of the parliament precipitately advancing with the moſt forward of their men, were cut almoſt all off or taken priſoners, whilſt the reſt of the party found their ſafety in flight. The earl of Eſſex, who came up time enough to have a diſtant view of the rout, made a ſtand to receive his flying troops; and this giving time for prince Rupert to gain a bridge which he muſt neceſſarily paſs in his retreat, and which by his directions was ſecured by a ſtrong guard of foot, he forced Eſſex to retire to his quarters, and returned in triumph to Oxford loaded with booty and two hundred priſoners.

Skirmiſh on Chalgrove-field.

NEITHER the conſternation which this ſucceſsful expedition had given the enemy; neither the reputation it had acquired to their own arms, with the diſgrace the adverſary had ſuſtained; neither the ſpoil they had taken, with the officers of diſtinction they had left dead on the ſpot; delighted the royaliſts equal to the expectation that ſome accident had befallen their formidable opponent Hampden. One of their priſoners had given them the flattering aſſurance that colonel Hampden was hurt: he

he had ſeen him, he ſaid, contrary to his uſual cuſtom, Ann. 1642. ride off the field before the action was finiſhed, his head hanging down, and his hands leaning upon his horſe's neck. The ſucceeding day confirmed this account, with the relation that Hampden was ſhot in the ſhoulders with a brace of bullets, and the bone broken. In ſome little time the triumph of the royaliſts was completed by the certain intelligence, that his wound, after occaſioning him to linger ſix days in exquiſite pain, had put a period to his life *.

Death of Hampden.

THUS, to the high exultation of all who wiſhed ill to the Freedom of the country, and to the conſternation of his party almoſt equal to a total defeat, an accident, ariſing from the ſpirited activity of his diſpoſition, ſhortened the glorious courſe of John Hampden; and as if the exiſtence of Liberty depended on the virtue of a ſingle individual, as the ſtand he had made againſt ſhip-money gave riſe to the revolution that ſucceeded, ſo his premature fate made way for the tyranny of a ſucceſsful uſurper.

HAMPDEN was deſcended from one of the moſt ancient families in Buckinghamſhire; and the death of his parents devolving on him early the poſſeſſion of a large and opulent fortune, this circumſtance, concurring with the vivacity of youth, excited him to indulge in thoſe amuſements which confine the excellencies of genius to the narrow compaſs of private

Character of Hampden.

* Sir Philip Warwic, in a confuſed relation, hints that the King, being deſirous to gain Hampden to his intereſt, ſent one doctor Chinner to offer him the aſſiſtance of his ſurgeons. *Warwic's Memoirs*, p. 241.

grati-

Ann. 1642. gratification. At the age of fifteen he left the univerſity, and finiſhing his education at the inns of court, made a conſiderable progreſs in the common-law. After he had paſſed his thirtieth year, he was choſen to repreſent his country in parliament; an incident which rouſed to exertion thoſe principles of virtue and affection to the public, which lay latent in his character. He was conſulted by the leading members of parliament in all the important points of oppoſition, and joined heartily in the proſecution of the duke of Buckingham, and other buſineſſes carried againſt the court. As it was Hampden's peculiar talent to act powerfully when he ſeemed the moſt diſengaged, and as he never put himſelf forward but when forwardneſs was neceſſary, ſo in this parliament he was not thought an opponent formidable enough to be pricked down for ſheriff to prevent his election in the enſuing one, and eſcaped a commitment to the Tower in 1628, for what was termed a riotous proceeding in parliament: but his honor not permitting him to comply with the illegal exaction of a loan, he was among thoſe who ſuffered impriſonment on this buſineſs. The trial of ſhip-money, in the year 1636, unfolded to public view thoſe patriotic virtues which modeſty, diffidence, or art, had hitherto in ſome meaſure obſcured *; and as the infamous judgment given

* Clarendon ſays, that Hampden was rather of reputation in his own country than of public diſcourſe or fame in the kingdom, before the buſineſs of ſhip-money; but then he grew the argument of all tongues, every man enquiring who and what he was, that durſt at his own charge ſupport the liberty and property of the kingdom, and reſcue his country, as he thought, from being made a prey to the court. *Clar. Hiſt.* vol. II. p. 205.

by

by the judges on this cauſe, rouſed the nation to a more ſerious attention to the conduct and views of the court, thoſe men of genius and abilities who laid the grounds for the ſucceeding revolution, began to concert meaſures how to improve to an effectual height the growing diſcontent; whilſt the frantic tyranny of Laud, with his attempt to impoſe his ſuperſtitious ceremonies on the Scots, gave ſuch advantage to the deſigns of the party, that matters came to a ripeneſs in leſs than four years after this period, a ſpace of time which had been ſo ſedulouſly employed by the active patriots, who had continual meetings to conſult on the buſineſs of oppoſition *, that Mr. Hampden, it is ſaid, had made ſeveral expeditions into Scotland before the commotions in that kingdom broke out. From the time that he engaged in the important ſcheme of abridging the power of the court, and reforming the government of the country, he totally diſcarded the levities of his youth, and became remarkable for his ſobriety and ſtrictneſs of manners; which, ſtill retaining his natural vivacity of temper, he embelliſhed with an affable, chearful, and poliſhed, behavior. In the parliament of 1640, an event which had been long impatiently expected by the people, and to which the indefatigable induſtry, activity, and abilities, of Hampden had in a good meaſure conduced, he was one of the Ann. 1642.

* The two houſes the moſt commonly frequented on this occaſion, was the lord Say's houſe at Broughton in Oxfordſhire, and one Mr. Knightly's, a gentleman of Northamptonſhire, the ſon-in-law of Mr. Hampden, who had himſelf married a widow of the Knightly family. *Perſecutio Undecimo*, Lond. 1648. 4to. a virulent performance.

chief

Ann. 1642. chief directors of the anti-court party *, and ſpecially truſted in the buſineſs of watching the King's conduct in Scotland, and preventing the Scots being ſeduced from the intereſts of Liberty by the cabals and cajolements of the court; his art of directing the underſtanding and governing the inclinations of men being ſuch, that in all the tranſactions between the two nations, he was appointed by the parliament one of the commiſſioners to treat with that people †. When the quarrel between the King and the parliament came to hoſtilities, he accepted the command of a regiment of foot under the earl of Eſſex, and was one of the firſt who opened the war by an action, at a place called Brill, in Buckinghamſhire ‡. As the ſagacity and in-

* Clarendon ſays, that at the commencement of this parliament, the eyes of all men were fixed upon Hampden, as the *patriæ pater*, and the pilot that muſt ſteer the veſſel through the tempeſts and rocks that threatened it; that his power and intereſt to do good or hurt was greater than any man in the kingdom, or than any man of his rank had had at any time; his reputation for honeſty being univerſal, and his affections appearing ſo publicly guided, that no corrupt or private ends could bias them. He was appointed by the parliament one of the committee to prepare the charge againſt the earl of Strafford, one of the managers of the evidence againſt him, and one of the committee to expedite the charge againſt Laud, archbiſhop of Canterbury. *Clar. Hiſt.* vol. II. p. 205. *Wood's Athen. Oxon.* vol. II. p. 30.

† The management of the Scots, a people at this time wholly directed by views of intereſt and bigotry, and who, notwithſtanding their late vigorous oppoſition, which owed its ſource to religious enthuſiaſm, were as zealouſly attached to monarchical principles in civil government, as to the preſbyterian diſcipline in eccleſiaſtical, was one of thoſe points of the conduct of the party which does the moſt honor to their abilities.

‡ Five miles from Oxford.

trepidity

trepidity of his conduct in the character of a ſenator, had rendered him ſo much the object of the King's indignation as to be one of the ſix members marked for particular vengeance, ſo his activity and bravery in the field, and his wiſe and ſpirited counſels on the operations of the war, rendered him ſo formidable a rival of Eſſex's, that it was thought, had he lived, his party, who were, at this time, highly incenſed at their general's conduct, would have taken his command from him, and given it to Hampden *. Clarendon has pretended to draw the exact portraiture of this eminent perſonage; but, tho' marked with thoſe partial lines that diſtinguiſh the hand of the hiſtorian, it is the teſtimony of an enemy to virtues poſſeſſed only by the foremoſt rank of men. With all the talents and virtues that render private life uſeful, amiable, and reſpectable, were united in Hampden, in the higheſt degree, thoſe excellences which guide the jarring opinions of popular counſels to determined points; and whilſt he penetrated into the moſt ſecret deſigns of other men, he never diſcovered more of his own inclinations than was neceſſary to the purpoſe in hand. In debate he was ſo much a maſter, that joining the art of Socrates with the graces of Cicero, he fixed his own opinion under the modeſt guiſe of deſiring to improve by that of others; and, contrary to the nature of diſputes, left a pleaſing impreſſion, which prejudiced his antagoniſt in his favor, even when he had not convinced or altered his judgment. His carriage was ſo generally, uniformly, and un-

* His extenſive popularity and influence in the army being ſuch as would prevent any miſchief ariſing from Eſſex's reſentment.

Ann. 1642. affectedly affable; his converſation ſo enlivened by his vivacity, ſo ſeaſoned by his knowledge and underſtanding, and ſo well applied to the genius, humor, and prejudices of thoſe he converſed with, that his talents to gain popularity were abſolute. With qualities of this high nature he poſſeſſed in council penetration and diſcernment, with a ſagacity on which no one could impoſe, an induſtry and vigilance that were indefatigable, with the entire maſtery of his paſſions and affections *; an advantage which gave him infinite ſuperiority over leſs regulated minds. Whilſt there was any hopes that the adminiſtration of the country could be corrected without the entire overthrow of the conſtitution, Hampden choſe before other preferment the ſuperintendency of the prince's mind †, aiming to correct the ſource

* Clarendon ſays, that his carriage through the whole proceſs of his ſuit againſt the crown in the buſineſs of ſhip-money, was with that rare temper and modeſty, that they who watched him narrowly, to find ſome advantage againſt his perſon, to make him leſs reſolute in his cauſe, were compelled to give him a juſt teſtimony. The ſame author obſerves, in his account of the debates of ſhip-money, in the ſhort parliament of April, 1640, that Herbert, the ſolicitor-general, while he was ſpeaking in commendation of the King's candor in that affair, took occaſion to ſtroke and commend Mr. Hampden for his great temper and modeſty in that ſuit. *Clar. Hiſt.* vol. II. p. 205.

† If any cultivation could have regulated the underſtanding, and corrected the nature of the young Charles, the nation would have received great benefit from this promotion's taking place. "Hampden, ſays Sir Philip Warwic, aiming at the alteration of ſome parts of the government, knew of how great conſequence it would be, that a young prince ſhould have principles ſuitable to what ſhould be eſtabliſhed as laws." The author might have obſerved, that Hampden knew, that could he give to the prince juſt notions on religious and civil policy, with ſo much rational knowledge as would have ſtimulated him with an higher ambition than the trampling on the liberties of men, and given

from whence the happineſs or misfortunes of the em- Ann. 1642.
pire, if the government continued monarchical, muſt flow; but the averſion which the King diſcovered to thoſe regulations which were neceſſary to ſecure the freedom of the conſtitution from any future attempt of the crown, with the ſchemes he had entered on to puniſh the authors of reformation, and reſcind his conceſſions, determined the conduct of Hampden. Convinced that Charles's affections and underſtanding were too corrupt to be truſted with power in any degree, he ſought the abolition of monarchy as the only cure to national grievances, warmly oppoſing all overtures for treaties as dangerous ſnares, or other expedient than conqueſt for accommodation. It was him the party relied on to animate the cold councils of their general; it was

given him a juſter taſte of pleaſure than uſing the advantages of his ſtation to the groſs enjoyment of licentious levity and unbounded vice, with the inſipid gratifications which ariſe from the dull expenſive pageantry of royal life, the laws and conſtitution of the country would have been ſecure from farther invaſion, and the morals, taſte, and manners of the people uncorrupted by the example of thoſe fantaſtic amuſements, ſervile ceremonies, and numerous vices which abound in courts. Such documents as might have been expected from an Hampden, were not the kind with which the King wiſhed to have the prince's mind embued: the governors he choſe for his ſon were men of a different ſtamp, viz. the earl of Newcaſtle, a vain, romantic nobleman, intoxicated to a ridiculous degree with the fumes of poetry, and in whoſe character reaſon had no ſhare; the marquis of Hertford, a man of ſo idle a diſpoſition, that he would never think long enough on a ſubject to make a juſt concluſion. By the King's choice it is eaſy to ſee, that he was determined to have no governor to form the prince's mind on a model that ſhould claſh with his own prejudices. Clarendon ſays, that the prince was to be educated by the advice, and under the care of the King and queen.

Ann. 1642. his example and influence they truſted to keep him honeſt to the intereſt of the public, and to preſerve to the parliament the affections of the army. Had he been at firſt appointed to the ſupreme military command, the civil war, under all the horrors of which the country languiſhed more than three years, would have been but of a ſhort continuance *.

* As if God had enliſted himſelf in the ſervice of the party as their executioner, no eminent perſonage whoſe principles ran counter to the views of the royaliſts fell a ſacrifice to the rage of war, but were marked by them as ſpecial victims of the divine vengeance Clarendon, in his uſual ſtyle, comments thus on the death of Hampden: "Many men obſerved, that the field in which the late ſkirmiſh and upon which Mr. Hampden received his death's wound, Chalgrove-field, was the ſame place in which he had firſt executed the ordinance of the militia, and engaged the country, in which his intereſt was very great, in the rebellion; and it was confeſſed by the priſoners that were taken that day, and acknowledged by all, that upon the alarm that morning, after their quarters were beaten up, he was exceedingly ſolicitous to draw forces together to purſue the enemy; and being a colonel of foot, put himſelf among thoſe horſe as a volunteer who were firſt ready; and that when the prince made a ſtand, all the officers were of opinion to ſtay till their body came up, and he alone (being ſecond to none but the general himſelf in the obſervance and application of all men) perſuaded and prevailed with them to advance; ſo violently did his fate carry him to pay the mulct in the place where he had committed the tranſgreſſion a year before." The prerogative writers are full of theſe kind of reflections. Hampden was born in the year 1594, and died in 1643, June 24. He left ten children behind him. Of four daughters, one was married to Sir John Hobart, ſon to Sir Miles Hobart, member of parliament, impriſoned in the year 1628; one to Sir Robert Pye, a gentleman of an ancient extraction in Herefordſhire, a member of this parliament, under the authority of which he ſerved in many public employments; one to colonel Hammond, appointed ſome time after this period governor of the Iſle of Wight; and another to Mr. Knightly of Northamptonſhire. The parliament, as a teſtimony of Mr. Hampden's ſervice to the public, ordered the ſum of five thouſand pounds to be paid

Whilst the earl of Eſſex, thus inſulted with impunity, lay inactive in the neighborhood of Thame, lord Fairfax, on whoſe valor and conduct the parliament had ſo much depended as to neglect the ſending him proper ſupply *, after having with the aſſiſtance of his ſon combated the enemy with very unequal force, and gained great advantages over them, was at length defeated by the earl of Newcaſtle at a place called Adderton-Moor, in Yorkſhire. Nor were theſe the only triumphs which attended the King's arms; a more important conqueſt in the Weſt had but from a very particular circumſtance crowned him with complete victory. The convention of neutrality between the roya- Ann. 1642. Defeat of the parliament's forces at Adderton-Moor.

paid to his aſſignees out of the Exciſe in courſe the moiety of the receipts of Goldſmith's-hall and the King's revenue. This, though a trifling teſtimony of the favor of the public for ſervices ſo great as Mr. Hampden had performed, yet it was a conſiderable ſum for the parliament, whoſe large expences were every day encreaſing, and who at this time labored under great difficulties in the raiſing money to give. *Clar. Hiſt.* vol. II. p. 205. *Biographia Britannica.*

* The parliament after having for very good reaſons broken the convention of neutrality between the two parties, and inveſted the lord Fairfax with the ſupreme command of their Northern forces, left him engaged in a very unequal conteſt with the earl of Newcaſtle, and the whole North expoſed to the depredations of the King's party, who carried their violence ſo far as to plunder and impriſon the enemy on the delivery of towns upon treaty. Lord Fairfax wrote word to the parliament, that they were guilty of all kind of violences; that they pillaged and cruelly uſed all thoſe that were well affected to their authority; and that they had received commiſſions from the King of liberty to plunder and ſeize men's eſtates, provided they accounted for the moiety of the profit to his majeſty. *Parl. Hiſt.* vol. XII. p. 268, *& ſeq.*

liſts

Ann. 1642. liſts and the parliamentary party in Devonſhire had by the authority of parliament been broken very early in the ſpring; and major-general Chudleigh, who yet commanded their forces in thoſe parts, was repulſed from the attack of Launceſton by Sir Ralph Hopton and Sir Bevil Grenville. In May the earl of Stamford aſſembling a body of five thouſand foot and fourteen hundred horſe, marched into Cornwall; and encamping on a high hill near Stratton, ſent Sir George Chudleigh, with twelve hundred horſe, to ſecure the country.

Defeat of the parliament's forces at Stratton.

The King's troops, who were not above half the number of the enemy, and in want of many neceſſaries with which theſe were amply ſupplied, aſſuming courage from deſpair, determined not to ſuffer themſelves to be beſieged. On hearing that the earl of Stamford had weakened his main body, by the large detachment he had ſent out under the command of Chudleigh, they marched from Launceſton with no more than two thouſand four hundred foot and five hundred horſe, with eight pieces of cannon; and divided their ſmall army into four diviſions, one of which was commanded by the lord Mohun and Sir Ralph Hopton; another by Sir Bevil Grenville and Sir John Berkeley; a third by Slanning and Trevannion; a fourth by Baſſet and Godolphin; and a fifth, which conſiſted of horſe and dragoons, by colonel John Digby. Theſe were to remain on the Common as a body of reſerve, whilſt the other four parties mounted the aſcent to attack the enemy. This the Corniſh troops performed with ſuch vigor and intrepidity, that Chudleigh, the parliament's general under Stamford, either from deſign or accident being

being taken priſoner, his whole army gave way and Ann. 1642.
diſperſed. The ground thus left clear for the royaliſts, the four diviſions all met together on the plain at the top of the hill, where, without the loſs of more than fourſcore men, they took poſſeſſion of the enemy's camp, cannon, ammunition, and proviſion, with one thouſand ſeven hundred priſoners. Sir George Chudleigh, after having ſpent much time in diſperſing the poſſe comitatûs, which the high-ſheriff was endeavoring to raiſe for the King, on hearing of the defeat of the parliament's forces at Stratton, retired in great diſorder to Plymouth, and thence to Exeter; whilſt the earl of Stamford proclaimed himſelf betrayed by the younger Chudleigh, who in the heat of the battle, when the proſpect for victory was fair, voluntarily with a party ran over to the enemy *.

* Chudleigh had been active in the army-plot in engaging the troops in undertakings for the King; but when the cabal was diſcovered, he owned ſo many circumſtances diſadvantageous for the court, that receiving no countenance at Oxford, where he went to offer his ſervice, he returned to London, and was entertained by the parliament. Ruſhworth ſays, that intercepted letters to his father manifeſted the part he acted at Stratton to be treacherous. Chudleigh's prior conduct, with the odd circumſtance of a general being taken priſoner before the entire rout of an army, and his pretended converſion after he put himſelf into the hands of the enemy, renders this proof unneceſſary. Clarendon aſſerts ſtrongly, that Chudleigh performed the part of a valiant and truſty commander; not to vindicate the character of Chudleigh, who, he ſays, was always affected to the royal party; for Clarendon, in the cauſe of the divine right of princes, would not think treachery a demerit, but to heighten the reputation of the royaliſt commanders. Sir George Chudleigh, the father of the general, ſurrendered his commiſſion, and publiſhed a declaration, in which he profeſſed to have flung himſelf at his ſovereign's feet, to have embraced his gracious pardon, with a reſo-

Ann. 1642. On the news of the defeat of the parliament's army at Stratton, the King ſent the marquis of Hertford, with prince Maurice and a ſtrong body of horſe, to join the Corniſh troops, and make an entire conqueſt of the Weſt; a quarter not leſs the object of the parliament's care, who now found themſelves on the point of being totally deprived of a conſiderable part of the kingdom, which in the beginning of the war was almoſt totally ſubdued by their arms †. Sir William Waller, who was now the commander on whom the parliament moſt depended, was by a vote of both houſes ſupplied with ſeven thouſand foot and three thouſand horſe, and ſent weſtward to meet the royal army; the two different parties of which having united near Chard, a town in Somerſetſhire, on the borders of Devonſhire, formed a body of ſeven thouſand men, a new regiment of foot with many volunteers having joined them on their ſucceſs at Stratton; whilſt Taunton, Bridgewater, and Dunſtar-caſtle, ſurrendered on the fame of this victory. Waller, who had not received his command time enough to hinder the junction of the two armies, lay at Bath, to gather the remains of the beaten force at Stratton. After ſome ſkirmiſhes, which were generally in favor of the royaliſts, who were full of ſpirits on their late ſucceſs, the two armies met on Lanſdown near Bath, and a battle was fought between them;

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* He diſperſed warrants over the country, ſignifying that he had beaten the marquis of Hertford, and requiring the people to riſe for the apprehenſion of his ſcattered troops. *Clar. Hiſt.* vol. II. p. 221.

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Ann. 1642. his army from the town, and ranging them in array on Roundway-Down, two miles from the Devizes, a place on which the King's horſe muſt neceſſarily paſs, had the imprudence to depart from the order of battle, in which he had placed his army to great advantage, and advanced with his horſe to meet Wilmot, who received him with ſuch valor and intrepidity, that Sir Arthur Hazlerig's regiment, which had done ſuch ſervice on Lanſdown, was firſt routed, and being chaſed back on their comrades, put the whole body of horſe in ſuch confuſion, that they immediately diſperſed; when Wilmot, turning their own cannon on the enemy's foot, who were at the ſame time charged by the Corniſh troops, completed the deſtruction of the parliament's army, who almoſt all ſuffered death or captivity, many of them being cruelly killed by the Corniſh men in revenge for their late diſtreſſes. Sir William Waller himſelf, with a very ſmall remains of his gallant army, and the loſs of his artillery, ammunition, and proviſion, after having written to the parliament that their work was done, and that the next poſt would inform them of the number and quality of the priſoners, carried to Briſtol the news of his defeat *. This misfortune of Waller, incurred by his injudicious conduct, was alſo in a good meaſure owing to the jealouſy of Eſſex, who having given a commiſſion to

Defeat of the parliament's forces on Roundway-Down.

Clarendon.

* Clarendon ſays, that Waller, when he was defeated on Roundway-Down, had an army of 2000 horſe, 500 dragoons, and near 3000 foot. If his forces were no more than this, though recruited with part of the garriſon of Briſtol, and volunteers which came in on the fame of his ſucceſs, his original army could not have been ſo large as was aſſigned him by the vote of the two houſes.

Waller

Waller for the weſtern expedition, had reſumed it, Ann. 1642.
with an intention of going himſelf on the ſervice, when Waller was appointed to that command by a vote of parliament. Waller juſtly complained, that whilſt Eſſex lay with his whole army idle about Thame, he ſuffered Wilmot without interruption to come from Oxford to deſtroy him *: whilſt Eſſex alledged in his excuſe, that Waller had force enough to combat both Wilmot's and the Corniſh army. This neglect of Waller was not the laſt ſacrifice which Eſſex made to the royal cauſe. The queen, who by the two houſes had been voted guilty of treaſon, marching from the North with a body of two thouſand foot and one thouſand horſe, with artillery, arms, and ammunition, was by the parliament's general ſuffered to paſs without interruption; and joining the King at Edg-hill on the very day that he gained the battle of Roundway-Down, they entered Oxford in triumph †. Bath hav-

* The aſſurance that Eſſex, who lay within ten miles of Oxford with his whole army, and to whom Waller had ſignified his victory, and the ſituation he was in, would not ſuffer any relief to come to the enemy, had engaged him to admit of a treaty.

† So little did the King fear any interruption from Eſſex, that having appointed to meet the queen two days journey from Oxford, he only took with him on this expedition his own guard of horſe and prince Rupert's regiment.

The following form of thankſgiving-prayer was drawn up by the Oxford doctors on the arrival of the queen: "Oh moſt merciful God! we render thee all praiſe and thanks, for that thou haſt been pleaſed to extend thy hand of deliverance unto the perſon of our gracious queen; that thou haſt made her an inſtrument of ſo much good to this kingdom, and brought her ſafely hither. Lord! make the King and his people daily more and more happy in her, that as by thine eſpecial favor ſhe is already become the mother of ſo many hopeful princes, ſo

Ann. 1642. ing ſurrendered itſelf immediately after the defeat of Waller, the Oxford forces under the command of prince Rupert, and the Corniſh army under the command of the marquis of Hertford, joined in an attempt on the city of Briſtol; a place ſo well defended by nature, and a ſtrong garriſon * provided with all neceſſaries, that the Corniſh troops, having made a vigorous attack, were repulſed withconſiderable loſs; whilſt the army under the command of prince Rupert aſſaulting that part of the town which was more penetrable, forced the outworks, and entered the ſuburbs; but after a loſs equal to what their comrades had ſuſtained, found the entrance into the town more difficult, and better defended than that they had paſſed, and where their horſe would be of no ſervice. In this juncture, envy, treachery, raſhneſs, and cowardice, combined their ſeveral influences to ruin the public cauſe, at the very time when the commanders of the royal army began to regret an aſſault which, without proſpect of ſucceſs, had deprived them of many of their beſt officers, and great numbers of their men. Nathaniel Fiennes, the governor of Briſtol, better ſkilled to fight the battles of Liberty in the ſenate than the field, being taken with a ſudden panic, beat a parley; and after a treaty which laſted no more than eight hours, delivered up the city †, on the ſhameful con-

Briſtol ſurrendered to the King's forces.

ſhe may be daily fruitful in the addition of more bleſſings to us, thro' Jeſus Chriſt our Lord." *Clar. Hiſt.* vol. II. p. 223.

* The garriſon conſiſted of 2500 foot, and a regiment of horſe.

† The princes Rupert and Maurice, infected with the pride of the King's temper, and encouraged by him in the moſt unreaſonable pretenſions, had from their firſt coming into the kingdom aſſumed a haughty inſolent carriage to all the nobility, and thoſe employed by the King

ditions, that the garriſon ſhould march out without their Ann. 1643.
arms, colors, cannon, or ammunition, except the of-

King in the moſt important offices. Prince Maurice, who in the aſſault of Briſtol and the Weſtern expedition had ſerved as lieutenant-general to the marquis of Hertford, had not only acted in a more commanding ſtyle than became a ſubordinate officer, but even interfered with the marquis in relation to governing the affairs of the country: whilſt prince Rupert, of a yet more inſolent nature, who was highly puffed up with the ſucceſs which had attended his military exploits, diſdaining that the marquis ſhould be equal to himſelf in command, and that his brother (the nephew to the King) ſhould be in an inferior one, when Briſtol was taken, though this city was within Hertford's commiſſion, entered into the treaty, and concluded the articles of capitulation without conſulting or naming him. Hertford, irritated with this affront, aſſerted the full authority of his command, and without communicating with either of the princes declared he would give the government of Briſtol to Sir Ralph Hopton. No objection could be made to a man of ſuch merit with the party as was Hopton, and therefore the prince, by the ſame meſſenger with which he informed the King that he had reduced Briſtol, deſired him to beſtow the government of that town upon himſelf. When the diſpute between theſe two commanders was known at Oxford, thoſe nobility who were jealous of the treatment their rank had received from the prince, and of his ambition to interfere in the civil government of the country, declared themſelves warmly in favor of the marquis of Hertford's pretenſions; but the court and council not all agreeing in this opinion, "the King, ſays Clarendon, reſolved to take a journey in his own perſon to Briſtol, and there to give ſuch a rule as he thought moſt neceſſary, to which he preſumed both perſons would conform themſelves as well cordially as obediently." This preſumption was not wholly without ground: the marquis of Hertford, who had ſo well digeſted former injuries as to deſert relations, friends, and party, to follow the King's fortunes, and whoſe countenance at the beginning of the conteſt was moſt eſſentially neceſſary, very patiently ſubmitted to the preference he gave to prince Rupert's claim; and Sir Ralph Hopton, to whoſe military bravery the King owed all his ſucceſs in the Weſt, as ſubmiſſively accepted from prince Rupert the office of being his lieutenant-governor. Theſe are the returns which princes commonly beſtow on their moſt devoted ſervants,

Ann. 1643. ficers, with a ſafe convoy to Warminſter, and not to be moleſted in their march for three days. There were ſome other articles in favor of the liberties of the city, and the ſecurity of the perſons and properties of all the inhabitants; but they were ſo ill obſerved, that on the pretence, that the articles of capitulation of the garriſon of Reading had been infringed by the parliament's army, the ſoldiers, after delivering up their arms, inſtead of a ſafe-conduct, according to the conditions of the treaty, met with inſults and ill uſage from the brutal licence of the enemy; and thoſe inhabitants of the city who were thought diſaffected to the cauſe, were baſely plundered *. The reduction of Briſtol, which for population, riches, and trade, was ſecond to the capital, and ſuperior to every other city in the kingdom †, gave the King the entire poſſeſſion of Somerſetſhire, a large and opulent county. The

Triumphant ſtate of the King's affairs.

vants, and ſuch the extinction of all generous reſentment in thoſe breaſts where vanity has taken poſſeſſion! *Clar. Hiſt* vol. II. p. 236, *& ſeq.*

* "I wiſh I could, ſays Clarendon, excuſe thoſe ſwervings from juſtice and right, which were too frequently practiſed, under the notion that they with whom they were made were rebels, and could not be too ill uſed, when as the cauſe deſerved, ſo it needed all the ingenuity and integrity in the propugners of it to keep deſpair from the guilty, who were much too numerous for the innocent." There were ſome indiſcretions committed by the ſoldiers of Eſſex's army on the ſurrender of Reading; but it is allowed by all parties, and this curious obſervation of Clarendon carries with it a tacit confeſſion of the ſame, that the irregularities committed by the parliament's army were trifling to the enormous licence which on all occaſions was uſed by the royaliſts.

† Beſides this important prize, ſeveral ſhips riding in the river of Briſtol, in which the wealthy had embarked their treaſure, were at the ſame time ſeized.

con-

condition of the parliament's forces in Dorſetſhire and Devonſhire were ſo languiſhing, that the total reduction of the Weſt waited but the leiſure of the enemy. Ann. 1643.

BIRMINGHAM † in Warwicſhire, and Lichfield in Staffordſhire, had been ſurrendered to prince Rupert, in an expedition he had undertaken in the ſpring. The North was on the point of receiving law from Charles, who with theſe eminent advantages was now in the poſſeſſion of a large and well appointed army, whilſt the enemy's beaten, wearied, and broken forces neither appeared able nor willing to oppoſe the progreſs of his victories.

† The account of the behavior of this town by Clarendon, is a ſtrong ſpecimen of the ſtyle and character of the hiſtorian. After telling us it was for hearty, wilful, affected diſloyalty to the King, of as great fame as any town in England, he deſcribes the ſpirited courage and reſolution of the inhabitants in the following manner: "His highneſs prince Rupert hardly believing it poſſible, that when they ſhould diſcover his power, they would offer to make reſiſtance, ſent his quarter-maſters thither to take up his lodging; and to aſſure them, that if they behaved themſelves peaceably, they ſhould not ſuffer for what was paſt: but they had not conſciences good enough to believe him, and abſolutely refuſed to let him quarter in the town, and from their little works, with mettle equal to their malice, they diſcharged their ſhot upon him; but were quickly overpowered, and ſome parts of the town being fired, they were not able to contend with the two enemies, but, diſtracted between both, ſuffered the aſſailant to enter without much loſs, who took not that vengeance on them they deſerved, but made them expiate their tranſgreſſions with paying a leſs mulct than might have been expected from their wealth, if their wickedneſs had been leſs."

END of the THIRD VOLUME.

ERRATA.

Page 81, l. 7, note, after *revenge*, put a *full-ſtop*. Ibid. l. 16, dele *them*. P. 94, l. 25, note, for *Algernoon* read *Algernon*. P. 123, l. 14, note, for *Nichols* read *Nicholas*. P. 133, l. 3, note, for *and they* read *and then*. P. 144, l. 27, for *and government* read *and his government*. P. 161, l. 3, for *faction of the royaliſts* read *faction of royaliſts*. P. 168, l. 12, note, for *vol. I.* read *vol. II.* P. 187, l. 29, note, dele *vol. IV. p.* 492. P. 211, l. 19. note, after the word *poundage* put a *full-ſtop*, and make *for the raiſing*, a new paragraph as well as article. P. 427, l. 1, for *Stanning* read *Slanning*. P. 432, l. 18, for *Leiceſterſhire* read *Staffordſhire*.

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MDCCLXVIII

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ERRATA.

Page 174, note, for *Newark* read *Norwich.*
366, line 17, (in ſome copies) for *ſcaled* read *ſealed.*

THE HISTORY OF ENGLAND.

CHARLES I.

CHAP. I.

Diſcord between the two houſes.——Sequeſtrations.——Aſſeſſments.——The exciſe introduced.——The queen impeached.——Conſpiracies againſt the parliament.——Execution of the conſpirators.——Jealouſy in the King's partizans.——Siege of Glouceſter.——Petitions for and againſt peace.——A female tumult.——Glouceſter relieved.——Death and character of lord Falkland.——The parliament make a new great ſeal.——Sentence of the judges Berkley and Trevor.——The King's ſucceſſes in the Weſt.——Treachery.——Extraordinary efforts of the parliament.——The Scots called in to their aſſiſtance.——The King has recourſe to the Papiſtical party in Ireland.——Affairs of that kingdom.——Ceſſation with the Iriſh Papiſts.

THAT torrent of ſucceſs which, in an uninterrupted courſe, had followed the royal arms, might have ſtrucken the parliament with diſmay, had that aſſembly been united among themſelves; but, divided as they were by jarring intereſts, Ann. 1643.

Ann. 1643. with reaſon might the royaliſts exult in the opinion, that their work was now over, and that what was left unfiniſhed of the total ruin of their enemies, faction would complete. It has been already noticed, that ſome diffidence had been entertained of the commiſſioners who were ſent down to treat with the King on propoſitions of peace, the lord Say having been excluded by the council at Oxford, on the opinion that he was too wiſe to be impoſed on, and too much an enemy to be gained. Mr. Martyn, one of the committee of ſafety, ſuſpecting court-intrigue, had opened a letter from the earl of Northumberland to his wife; which, on the return of the commiſſioners, was ſo brutally reſented by this proud, formal nobleman, that, notwithſtanding Martyn's character as a gentleman, a member of the houſe of Commons, and inveſted with the moſt important office in the kingdom, an office, which, in a manner, authorized the act, he ſtruck him, on his juſtifying his conduct. Martyn, inſtead of properly reſenting the affront, complained to the Commons, who demanded ſatisfaction for the inſult committed againſt their houſe, in the perſon of their member; but, on the Peers ſtanding ſtiffly by Northumberland, they had the moderation, at this important criſis, to let the buſineſs drop. Not ſo was the conduct of the Peers, who, at a time when unity of opinion and principle were eſſential appearances, in oppoſition to the Commons, affected to proclaim themſelves the aſſertors of the rights of royalty; and on the ſame Martyn's having broken open the King's ſtable at the Meuſe, and taken ſome of his horſes, reſented this piece of diſreſpect, as they termed it, to the King. The Commons, in this point,

Diſcord between the two houſes.

point, defended their member, who, in a conference on the ſubject, ſhewed the idleneſs of the Lords' pretenſions *. The jarring between the two houſes was not confined to trifling differences. The Lords, jealous of the undivided authority which the Commons had aſſerted in the buſineſs of taxation, aſſumed a more tender regard for the privileges of the ſubject; and not only oppoſed the oppreſſive, yet neceſſary, taxes which had been laid on the people, but granted protections to their own creatures and dependents; a conduct which evidently tended to a fatal diviſion of the only authority under which the king could be conſtitutionally oppoſed, to a formidable increaſe of domeſtic faction, and to elevate the hopes of the enemy. Ann. 1643.

While theſe petulant thwartings ſubſiſted between the King's opponents, he very induſtriouſly improved his other advantages. Among the chief of theſe were the forms of law, which not providing for a difference between the ſeveral parts of the legiſlature, aſcribed to the King prerogatives which, if allowed, would ſerve him powerfully againſt his enemies. A proclamation was accordingly iſſued, by his authority, to adjourn the courts of juſtice, during Michaelmas term, to Oxford; but the parliament, having firſt made a fruitleſs attempt, by the way of peti-

* The Lords carried the matter ſo far, as to tell the Commons they would write to the lord-general to recal Mr. Martyn's commiſſion. On this, the Commons voted, That Mr. Martyn did well in not delivering up the horſes; that they ſhould be kept by him till the houſe gave farther order; and that the lord-general ſhould be deſired not to do any thing in the buſineſs concerning Mr. Martyn, till he heard farther from their houſe. *Parl. Hiſt.* vol. XII. p. 251.

Ann. 1643. tion, for the recalling the proclamation, paſſed an ordinance, forbidding obedience to be paid to it. At the return of that period when juſtice in the ſeveral counties was uſually adminiſtered to the people, the parliament, foreſeeing that the King would, in thoſe places where his party prevailed, under the ſanction of the ſtrict letter of the law, and according to its forms, condemn, as rebels, thoſe who had taken arms againſt him; in an addreſs, in which they ſet forth the inconveniencies which would follow, in theſe hoſtile times, the holding the accuſtomary aſſizes, petitioned him to agree to their being put off to a more convenient ſeaſon. Charles was too tenacious of his advantages to grant the requeſt; and the parliament had recourſe to the power of an ordinance, commanding the judges, on their perils, to forbear to execute any commiſſions of aſſize in this the Lent vacation *.

NEITHER the voluntary ſubſcriptions, which had been with ſuch profuſion poured in by the well-affected citizens, nor the parliament's ordinances for aſſeſſments, either too moderate for the urgency of the occaſion, or very partially obeyed, were ſufficient to ſupply the exorbitant expences of the protracted war. Before the propoſitions for peace were ſent to the King, the city had been again preſſed to a farther contribution; and complied with the requeſt, on the

* The King having attempted to exert his prerogative, in the nominating thoſe for ſheriffs who were implicitly at his command, the parliament declared, That ſheriffs conſtituted by the King, expreſsly contrary to the inclinations of parliament, were not legal ſheriffs; and ordered ſuch officers, who attempted to execute the buſineſs of their office, to be ſent for as delinquents.

rational

rational condition, that the members of both houſes ſhould ſet the example: but the ſums raiſed by ſuch means were very inadequate to the neceſſities of the times; and the Commons had again recourſe to more arbitrary, yet more beneficial, ways of raiſing ſupplies. The eſtates, real and perſonal, of ſome of the moſt noxious of the King's party were, by a vote of the lower houſe, ſequeſtered for the uſes of the public; a committee was appointed to conſider of the ſequeſtering the eſtates of all ſuch perſons as were, or ſhould be, in actual war againſt the parliament; an ordinance paſſed for the abſolute ſequeſtration of the King's revenue, with thoſe of the queen and prince of Wales, and for a general weekly aſſeſſment for the maintenance of the army *; and, ſoon after, an exciſe was introduced, a badge of ſlavery which foreign ſtates had carried, and from which it had been the peculiar triumph of the Engliſh nation to be exempt. Nor is it to be ſuppoſed that a people, who had gone ſuch lengths in the defence of Liberty, could, on any pretence, have been prevailed on to ſubmit to the ſervile impoſition, had it not been ſuppoſed a temporary expedient, authoriſed by obvious neceſſity, and that a high ſenſe of danger had deadened the feelings of inferior grievances. On the continued accounts of depredations and cruelties committed by

Ann. 1643.

Aſſeſſments.

The exciſe introduced.

* This tax lay very hard on the citizens of London, who, notwithſtanding their zeal, did not fail to complain of the unequal burthen they had borne; and to hint, that their good affections to the cauſe had ſubjected them to heavier impoſitions than the malignancy of others. The whole aſſeſſment amounted to 33000l. and the city of London was taxed to the full third.

the

Ann. 1643. the King's army, with correſpondencies between the court and the Iriſh maſſacriſts, the parliament, ſeeing, as they ſaid, the ſame ſpirit here againſt the Proteſtant religion, and the rooting out of Proteſtants, as in Ireland, came to a reſolution, That proceedings ſhould be againſt all Papiſts whatſoever, as traitors, who had been in arms, or actual war, againſt the parliament, or had furniſhed the King with materials for the maintenance of the war.

The queen impeached.

THIS was a prelude to an impeachment of the queen *, which, in a few days afterwards, was carried up by Mr. Pym, who, in the name of the Commons of England, deſired the Lords to iſſue forth proclamations to ſummon her to appear before them, for having levied war againſt the parliament and kingdom. It muſt be obſerved, that the parliament, which was now pretty well purged of all its members whoſe affections were ſtrongly biaſſed to the monarchical part of the conſtitution, had altered their

* It is to be obſerved, that this impeachment of the queen is grounded on her having levied war againſt the parliament and kingdom. In the year 1641, on a falſe report being carried to the queen, that the houſe of Commons intended to accuſe her of treaſon, that aſſembly proteſted that they had never had any ſuch thing in their thoughts. The votes for impeaching her, at this time, paſſed the houſe *nemine contradicente*.

This impeachment was carried up on the twenty-third of May. The buſineſs ſlept till the January ſucceeding, when the Lords appointed nine of their members to conſider what method of proceeding, for bringing the queen to trial, was moſt agreeable to a parliamentary way, and to peruſe precedents for ſettling a ſure courſe. *Parl. Hiſt.* vol. X. p. 229, vol. XII. p. 26, vol. XIII. p. 2.

ſtile,

ſtile, and the King's name, which, by the forms of law, was neceſſary to be uſed in all public buſineſs, but a ceremony highly ridiculous in time of hoſtilities, was now entirely left out; and that theſe ſpirited exertions were at the time when the King's affairs were in the higheſt career of ſucceſs, the queen's impeachment having been carried up after ſhe had met the King with a ſtrong reinforcement of horſe, foot, and arms. But, great as was the enterprize the popular leaders had undertaken, with the interruptions and dangers treacherous councils had introduced, they exceeded not their courage and capacity, which they exerted in proportion to the neceſſity of each occaſion. Ann. 1643.

Conſpiracies againſt the parliament.

IN the midſt of thoſe diſcouragements which the ill ſucceſs of military operations almoſt every day produced, a plot to divide the party in oppoſition, and to deliver up the city to the King, was diſcovered by the means of a ſervant, who, ſuſpecting the intrigue, had placed himſelf in a ſituation where he heard diſcourſes which, in ſome meaſure, unravelled it. Edmund Waller, famous for his poetic genius, who had made a conſiderable figure in the ſhort parliament, in an animated, eloquent ſpeech againſt compounding with the King for a relinquiſhment of the tax of ſhip-money, and in the beginning of this meeting had expreſſed a ſpirit of reſentment againſt the oppreſſions of the King's adminiſtration, now, from thoſe councils, which every day encreaſed in boldneſs, began to fear, if his party was crowned with ſucceſs, a total extinction of regal power, and the gaudy ſplendor of a court; circumſtances of prevalent, and almoſt univerſal, influence

over

Ann. 1643. over the rhyming race *. Perhaps, too, the King's turn of fortune might have its effect; but, whatever were the principal motives that prevailed with Waller, either the fear of a republican government, or the desire of ingratiating himself with a power which, in appearance, had more than an equal chance for victory, he entered into a combination with Tomkins, his brother-in-law, and one Challoner, Tomkins's friend, to form, of the members of both houses and citizens, a party strong enough to oppose the means necessary to carry on the war. The earls of Northumberland, Conway, and other noblemen, had so far encouraged the scheme, as to express desires that expedients might be found to limit the authority exercised by the Commons. This design, which had been made known to the King before the parliament's propositions of peace were sent to him at Oxford, and on the account of which he had saluted Mr. Waller with the following expression, "Tho' last not least in love," was so highly improved on by royal council, that it arose to the taking into the custody of the party the King's children; the securing the principal leaders of the two houses, viz. the lords Say and Wharton, Sir Philip Stapleton, Mr. Pym, Hamden,

* Poets in general are, of all people, the least tenacious of popular privileges, and the most ignorant in matters of policy. The flights of poetic fancy are too wild for the exercise of subjects bound within the limits of rationality, fitness, convenience, and use. An imagination sufficiently warm and varied for the productions of poetry, has seldom solidity enough for investigation, is apt to be affected with objects of shew, and to dwell with pleasure on the romance of life. Poetry is the best garb for panegyric, and princes have it in their power to be good patrons.

den, and Strode, with the lord-mayor and committee of the militia; to seize upon the out-works, forts, magazines, gates, and other places of importance, in the city and Tower; and to let in the King's forces, three thousand of which were to advance from Oxford, so soon as intelligence was received there that the matter was come to a proper ripeness. Whilst the three conspirators were concerting measures, and forming lists of those they imagined well affected to their scheme, intelligence of their machinations was carried, by Tomkins's servant, to Mr. Pym. Waller, Tomkins, and Challoner, were seized; and a commission from the King to raise forces sufficient to execute the design, which had been carried to London by the lady Aubigny, found in Tomkins's cellar. On the discovery of a plot which involved in suspicion many people of note, and members of both houses, a covenant, as a test, was proposed and taken by Lords and Commons. It was afterwards recommended to the whole kingdom, and contained a declaration of abhorrence of the treacherous design lately discovered; of a steady adherence to the parliament against the King's forces, raised without their consent; and the covenanters, with resolving to amend and reform their lives, vowed, That they never would consent to lay down arms, so long as the Papists, at this time in open war against the parliament, should, by force of arms, be protected from the justice thereof. Ann. 1643.

Execution of the conspirators.

WALLER, whose courage was very unequal to the part he had undertaken, was seized with such a panic on the view of danger, that, actuated wholly by his fears, with-

Ann. 1643. without regard to friendſhip, or the ſacred ties of confidence, he confeſſed every circumſtance of the plot, without concealing a tittle of any diſcourſe he had ever had with the malcontents. It was from him the parliament were acquainted of the correſpondence and intercourſe entertained with the miniſters of ſtate at Oxford; that the lords Portland and Conway had been concerned in all the agitations which had been with the citizens; and that the earl of Northumberland had expreſſed very good wiſhes to any attempt that might put a ſtop to the proceedings of parliament. Such were the agonies of mind which the fears of death had occaſioned in Waller, that his trial, out of a principle of compaſſion, was put off till he could recover ſome compoſure. A court-martial was appointed to try Tomkins and Challoner, Alexander Hamden and Haſſel, two meſſengers of the King, who had been employed to carry intelligence to and from Oxford, with thoſe citizens whoſe names were in the King's commiſſion. The lives of the greater number of theſe laſt were ſaved, by its not appearing that their names were put into the commiſſion with their conſent and privity. There was no evidence againſt Hamden, but what Waller had given. Haſſel died in priſon the night before his trial, and Hamden before judgment was pronounced. Tomkins and Challoner received ſentence of death, and were both executed on gibbets erected before their own doors. Their behaviour on this tremendous occaſion was decent and proper: They expreſſed no unworthy fear of death, yet a great, and to appearance a very ſincere, remorſe for the part they

they had acted; acknowledging, with much humi- Ann. 1643.
lity, to have merited their fate; and that the buſineſs they had engaged in might have been productive of very ill conſequences *. It appeared, by the dying teſtimony of theſe unhappy men, that they had been drawn into this fooliſh engagement by the flattering aſſurances Waller had given them, that they would be countenanced by all the houſe of Lords, except three or four, and divers of the houſe of Commons. Waller, whoſe only object was to obtain life on any terms, conducted himſelf with great addreſs: He counterfeited the utmoſt remorſe of conſcience, invited viſits from the ruling clergy, received their exhortations with reverence and humility, and pretended to gain from their inſtructions new lights and clear conviction. Theſe artifices procured him ſo much favor, as to be allowed to plead his cauſe in the houſe of Commons, before he was expelled the aſſembly in order to receive trial; but, though his ſpeech on this occaſion was graceful, eloquent, ſubmiſſive, and penitent †, and that he artfully urged

* Though the unhappy ſufferers had been far from manifeſting any zeal or complacency for the cauſe in which they had engaged, yet Challenor's father very abſurdly tender'd to his ſon, on the point of execution, the king's pardon; which he rejecting with diſdain, anſwered, "Sir, I beſeech you, trouble me not with it: pray ſpeak to my friends to take care of my corpſe, and carry me home." *Ruſhworth*, vol. V. p. 327.

† "I ſhall no ſooner leave you, ſays Waller at the end of his ſpeech, but my life will depend on your breath, and not that alone, but the ſubſiſtence of ſome who are more innocent: I might therefore ſhew you my children, whom the rigor of your juſtice would make complete orphans, being already motherleſs; I might ſhew you a family

Ann. 1643. the danger the parliament would incur by expoſing their members to be tried at other than their own tribunal, and cited examples which, at this time, were of great authority for the contrary practice, viz. the ancient commonwealths, and in particular the Roman, yet the parliament, too ſenſible of the danger they ran from treachery within doors to countenance treaſon among themſelves, remained inflexible. Waller was expelled the houſe, tried by a council of war, and condemned to die; but, obtaining a reprieve from the general Eſſex, got off with a fine of ten thouſand pounds, a year's impriſonment, and baniſhment.

wherein there are ſome unworthy to have their ſhare in that mark of infamy which now threatens me; but ſomething there is, which, if I could ſhew you, would move you more than all this—it is my heart, which abhors what I have done, and is more ſevere to itſelf than the ſevereſt judge can be; a heart, Mr. Speaker, ſo awakened by this affliction, and ſo entirely devoted to the cauſe you maintain, that I earneſtly deſire of God to incline you ſo to diſpoſe of me, whether for life or death, as may moſt conduce to the advancement thereof. Sir, not to trouble you any longer, if I die, I ſhall die praying for you; if I live, I ſhall live ſerving you, and render you back the uſe and employment of thoſe days you ſhall add to my life." Waller, in his ſpeech, pleads, That his conduct, previous to this offence, both without and within the houſe, had been ſo reſpectful of the liberties of the people, and privileges of the parliament, that it exempted him from the ſuſpicion of having any fixed malice againſt either. By privileges of parliament, mentioned on this occaſion, Waller muſt mean that authority which was, at this time, aſſerted to be the privilege of parliament, and is a contradiction to what Clarendon relates, That, from the time when hoſtilities commenced between the King and parliament, Waller, tho' continuing under the power of this aſſembly, ſpake with freedom and ſharpneſs againſt their proceedings. Such a boldneſs of conduct is likewiſe incompatible with the extreme timidity of Waller's diſpoſition. *Clar. Hiſt.* vol. II. p. 192.

niſhment. The earl of Portland and the lord Conway Ann. 1643. were confronted with Waller before the committee of ſafety; but as he was the only witneſs againſt them, and they peremptorily denied every part of his charge, farther proſecution was declined, and the two lords, who had been impriſoned from the firſt of their accuſation, obtained enlargement on bail. The earl of Northumberland likewiſe underwent examination; but the accuſation againſt him was too general to found on it any particular charge *. The city received information of all the circumſtances of the plot from Mr. Pym, who enlarged on the ill conſequences which would have attended it, and recommended ſtrongly the covenant, which, though not impoſed by any penalty, excepting loſs of pay to the militia, was very generally ſubmitted to, and gave the party great advantage, by becoming a mark of

* According to the earl of Portland, he had been preſſed by Waller to accuſe the earl of Northumberland and the lord Conway, in order to ſave his own and Waller's life. Clarendon, after relating the circumſtances of Waller's meanneſs, obſerves, That there could not be a greater evidence of the ineſtimable value of his parts, than that he lived, after this, in the good affection and eſteem of many, the pity of moſt, and the ſcorn and contempt of few or none. The ſame author takes a great deal of pains to prove, that the party, to get the lives of the conſpirators, jumbled two different projects into one plot: the one formed by Waller, Tomkins, and Challoner, at London; and the other by Sir Nicholas Criſp at Oxford, who, having been recorder of London, and impriſoned by the parliament for ſedition, had eſcaped to the King. Granting the aſſertion, that there were two different projects formed by different people, certain it is, by the authority of unqueſtionable evidence, with the teſtimony of the conſpirators themſelves, they were afterwards both wove into one plot.

Ann. 1643. of diſtinction to know their friends and their enemies *.

TREACHERY was not confined to the limits of the capital. No ſooner was this conſpiracy cruſhed, and the ſeverity of juſtice inflicted on the ringleaders, than information was given to the Commons of ſuſpicions conceived againſt Sir John Hotham and his ſon, that they had entered into a plot to betray Hull to the royaliſts. Improbable as was the ſuppoſition, that, after the King had declared ſuch enmity againſt Hotham, he would forfeit, by an act of treachery, all merit from the real ſervice he had rendered the parliament, by preſerving to them, in a very critical juncture, a place of ſuch importance as Hull, and put himſelf in the power of a party who could hardly pardon the injury they had received from his conduct, yet it was founded on fact. Hotham, of a nature imperious and vain, had reſented, with great acrimony, the ſuperior diſtinction which had been paid to the lord Fairfax, in nominating him commander in chief over all the northern forces. This had diſcovered itſelf on many occaſions, to the great interruption of the ſervice; and the parliament, hearing of a diſagreement which threatened the public cauſe, had entertained the deſign of adding the government of Hull to the command of the lord Fairfax, who, whilſt he combated with infinite difficulties and interruptions, had, by an incredible exertion

* Thoſe who refuſed the covenant were diſarmed.

of

of ſkill and bravery, protected their party in York- Ann. 1643.
ſhire, and preſerved to them ſome authority in the northern parts, in oppoſition to a great ſuperiority of military force. Sir John Hotham having prevailed over the fidelity of his ſon, which had been proof againſt a former temptation, young Hotham applied himſelf to the earl of Newcaſtle; and it was agreed between them, that Hull ſhould be delivered up to the queen, when ſhe ſhould be on her march with her troops to the King. From the time when the correſpondence commenced between the earl of Newcaſtle and the young Hotham (and this was ſoon after the lord Fairfax was appointed to the ſupreme command of the parliament's forces in the North) the garriſon of Hull afforded no aſſiſtance to his army, which obliged him to leave the enemy in poſſeſſion of all thoſe parts of Yorkſhire, and retire to Leeds, in the Weſtern Riding, where his ſon Sir Thomas, with a ſmall detachment, lay. Young Hotham at length proceeded to ſuch an inſolent avowal of his diſcontent, as to order his ſoldiers to live on free quarters on thoſe gentlemen who were well-affected to the parliament; and on being queſtioned for this conduct by the lord Grey and Oliver Cromwell, two colonels in the parliament's ſervice, he turned his cannon againſt Cromwell, and offered to draw out his regiment and fight that of the lord Grey. The committee of ſafety at London being informed of theſe tranſactions, ſent down an order for the impriſoning Hotham in the caſtle of Nottingham: this was executed by Sir John Meldrum; but Hotham found means to eſcape to Lincoln, from whence, after

Fairfax's Memoirs, oct. ed. p. 22, & ſeq.

Ann. 1643. ter writing to the parliament, and pretending he had been injured, and was ready to anſwer any charge which ſhould be laid againſt him, he went to Hull to aſſiſt his father in the delivering up that town to the queen; who thought herſelf ſo ſure of it, as to write, in a letter to the King, that ſhe ſtaid at Newark to have Hull and Lincoln, for which ſhe hoped he would pardon two days ſtop. From the time when the parliament had received notice of the ſuſpicions entertained againſt the two Hothams, they had appointed a committee to watch over the ſecurity of Hull, who received, from the captain of a man of war then in the road, intelligence that Hull was, that night or the next, to be delivered up to the King. The committee, of which were the mayor of Hull and Sir Matthew Bainton (brother-in-law to Sir John Hotham) determined to prevent it, by ſecuring both father and ſon. Whilſt the two Hothams were in bed, the townſmen, officers, and ſoldiers, well-affected to the parliament, aſſembled without noiſe, and ſeized all the ports of the town. The Hothams found means to eſcape, but were taken at Beverly, and ſent up priſoners to London. The plot to deliver up Hull was not very clearly proved againſt either of them; but the parliament, for obvious reaſons, were very ſevere againſt treachery; and the two Hothams, after long confinement and frequent examinations, were both executed for correſponding with the enemy, and for treachery in divers particulars *.

* The following were the heads of Sir John Hotham's charge: compliance with the lord Digby, the earl of Newcaſtle, and others of that party; the refuſal of ſupply and ammunition to the lord Fairfax; ſcandalous

THE royaliſts, triumphant in every engagement, Ann. 1643.
had fairly driven the adverſary from the field; whilſt

dalous words againſt the parliament; an endeavour to betray Hull to the enemy; correſpondence with the queen; and ſeeking an eſcape. The principal part of young Hotham's charge was the betraying a regiment of horſe to the enemy. Both houſes were equally inexorable in regard to the younger Hotham, who had been more open and more arrogant in his conduct than his father, whom the Lords ſo far favored, as to ſend, on their own authority, an order to reprieve, when going to his execution: The Commons, reſenting that the Lords ſhould aſſume ſuch power, voted, That no officer ſhould ſtay the execution of juſtice by any order of either houſe, without the concurrence of both; and directed the lieutenant of the Tower to proceed to execution. Sir John Hotham having procured a motion to be made in the lower houſe for his pardon, it was enough regarded to occaſion a debate; and he had the mortification to ſpend ſome hours on the ſcaffold, previous to his execution, in the anxiety of ſuſpence.—Whitlock obſerves, That his rough carriage, eſpecially to his inferiors, and his very narrow way of living, with the betraying of his truſt, rendered him ſo diſtaſteful to all ſorts of people, that his maſters, for whom he had done ſuch ſervice, caſt him off; his ſoldiers chaſed him from them; his brother-in-law ſupplanted him, and ſent him and his wife and children priſoners to the parliament.—The following remarks were made by the King on the death of this martyr to his cauſe: "I cannot but obſerve how God, not long after, ſo pleaded and avenged my cauſe, in the eye of the world, that the moſt wilfully blind cannot avoid the diſpleaſure to ſee it, and with ſome remorſe and fear to own it, as a notable ſtroke and prediction of divine vengeance; for Sir John Hotham, unreproached, unthreatened, uncurſed, by any language or ſecret imprecation of mine, only blaſted with the conſcience of his own wickedneſs, and falling from one inconſtancy to another, paid his own and his eldeſt ſon's head, as forfeitures of their diſloyalty, to thoſe men from whom ſurely he might have expected another reward than thus to divide their heads from their bodies, whoſe hearts with them were divided from their King: nor did a ſolitary vengeance ſerve the turn; the cutting off one head in a family is not enough to expiate the affront done to the head of the commonweal; the eldeſt ſon muſt be involved in the puniſhment, as

Ann. 1643. the parliament had not only to defend themſelves againſt the power of their victorious arms, but to guard againſt the combinations of domeſtic enemies, who, ambitious of having ſome ſhare in the reſtoration of the King's fortune, as his ſucceſs encreaſed

he was infected with the ſin, of the father againſt the father of his country; root and branch God cuts off in one day. That which makes me more pity Sir John Hotham, continued the King, is, that after he began to have ſome inclination towards a repentance for his ſin, and reparation of his duty to me, he ſhould be ſo unhappy as to fall into the hands of their juſtice, and not of my mercy.—Poor gentleman! he is now become a notable monument of unproſperous diſloyalty, teaching the world, by ſo ſad and unfortunate a ſpectacle, that the rude carriage of a ſubject towards his ſovereign carries always its own vengeance, as an inſeparable ſhadow, with it."

"What thanks, obſerves Milton on theſe royal remarks, Sir John Hotham had from the King for revolting to his cauſe, and what good opinion for dying in his ſervice, they who have ventured like him, or intend, may here take notice."—"Moſt men are too apt, ſays the ſame author, and commonly the worſt of men, ſo to interpret and expound the judgments of God, and all other events of providence or chance, as makes moſt to the juſtifying their own cauſe, though never ſo evil, and attribute all to the particular favour of God towards them: Thus, when Saul heard that David was in Keilah, "God, ſaith he, hath delivered him into my hands, for he is ſhut in;" but how far that king was deceived in his thought that God favoured his cauſe, that ſtory unfolds, and how little reaſon this King had to impute the death of Hotham to God's avengement of his repulſe at Hull, may be eaſily ſeen; for, while Hotham continued faithful to his truſt, no man more ſafe, more ſucceſsful, more in reputation, than he; but from the time he firſt ſought to make his peace with the King, and to betray into his hands that town into which before he had denied him entrance, nothing proſpered with him: certainly, had God intended him ſuch an end for his oppoſition to the King, he would not have deferred to puniſh him till when, of an enemy, he was changed to be the King's friend, nor have made his repentance and amendment the occaſion of his ruin." *Eikon Baſilike, Eiconoclaſtes.*

grew

grew more active and turbulent. Charles, elevated to a high degree at the promiſing appearance his affairs carried, flung off, without reſerve, that maſk of moderation with which the neceſſity of his affairs had obliged him to veil his pretenſions: A proclamation was ſet forth, accuſing both houſes of treaſon, on the ſtatute of the twenty-fifth of Edward the Third, and forbidding obedience to them as a parliament. At the ſame time a pardon was offered to all but five members of the upper houſe, and thirteen of the lower houſe *, with an invitation to repair to the King at Oxford. This act of preſumption may be juſtly termed the critical incident which preſerved the cauſe of Liberty, when on the brink of deſtruction. Ann. 1643.

Of that numerous train of gentry and nobility whom pique, prejudice, and affections of a yet baſer kind, had occaſioned to follow the King's fortunes, ſome few there were in whom the ſpirit of Liberty was not totally extinct; and in the fond hope alone that Charles's misfortunes had amended his judgment and corrected his inclinations, did they venture life and property to ſupport his authority. The low condition of the royaliſts, at the commencement of

* The unfortunate ſkirmiſh in which Mr. Hamden periſhed was of an after-date to the ſucceſſes in the North and Weſt; he is among the excepted members of the Commons' houſe, of whom the following is a liſt: The earls of Eſſex, Warwic, Mancheſter, and Stamford; viſcount Say and Seal; Sir John Hotham, Sir Arthur Hazlerig, Sir Henry Ludlow, Sir Edward Hungerford, and Sir Francis Popham; Nathaniel Fiennes, John Hamden, John Pym, William Stroud, Henry Martyn, Alexander Popham, Iſaac Pennington, and Venn.

Ann. 1643. the war, had obliged the court to contain itſelf in the ſtricteſt limits of caution and moderation; but no ſooner had ſuch ſucceſs attended that moderation, as to flatter the King with a proſpect of victory, than, aſſuming the haughtineſs natural to his character, and which it was ever difficult for him to conceal, he talked and acted in an abſolute ſtrain: His condeſcenſion to the unreaſonable pretenſions and brutal manners of his nephew, prince Rupert, has been already mentioned; his entertainment of ſome of the moſt notorious of the Iriſh rebels at his court at Oxford gave great diſguſt. The ſentiments which were now publicly avowed by the greater number of his followers, and which he himſelf hints in his treaty with the parliament, viz. that more than a conſtitutional power ought to be veſted in the crown, ſo ſtaggered the zeal of the few thinking individuals of his party, that they began to recollect this very obvious truth, that the army by which the King conquered his enemies would have as little reaſon to triumph as the army which was beaten, ſeeing they would equally loſe both honor and Liberty. The parliament, notwithſtanding the ſeverities it had threatened to all thoſe who had oppoſed it, was, for theſe reaſons, regarded, by the honeſt and ſenſible, as a very proper check on the King's deſigns; and that both parties ſhould be reduced to treat on equal terms, was their ultimate wiſh. The earl of Dorſet, in a ſpirited manner, reprehended the earl of Briſtol for the unconſtitutional language he had uſed in council; ſtrongly enforced the many advantages which were on the ſide of the parliament; and recommended,

Jealouſy of the King's partizans.

mended, That his majeſty ſhould be deſired to take Ann. 1643. ſome preſent order for a treaty of peace: "The parliament, if doubts and jealouſies were taken away, he ſaid, would never endeavour to infringe the King's juſt prerogatives; that they had only declared ſuch delinquents as they had conjectured had miſ-counſelled his majeſty, and were the authors of tumults in the commonwealth *; but that this declaration, except ſuch crimes could be proved againſt them, was of no validity; the parliament would do nothing unjuſtly, nor condemn the innocent." Such was the ſtyle of ſome of the King's followers before the treaty commenced; but the inclinations he had diſcovered in the conduct of that treaty, and his proclamation declaring the parliament to be no parliament, effectually convinced theſe moderate men that there was a neceſſity to interrupt the progreſs of his victories.

HAD the King marched to London immediately after the defeat of Sir William Waller in the Weſt, the lord Fairfax in the North, and the ſurrender of Briſtol; when there was no army extant in a condition to oppoſe him; when jarring faction divided the opinion, and weakened the authority, of parliament; when his party, active and zealous in his cauſe, fluſhed with the proſpect of ſucceſs, and yet unawed by puniſhment, might have raiſed within the city a powerful combination in his favor; he would, in all probability, have been crowned with an abſolute victory:

* The lord Digby, ſon to the earl of Briſtol, was particularly charged with this.

but

Ann. 1643. but this, with almoſt equal horror, was as much dreaded by ſeveral of his adherents as his enemies *.

* That the King's friends had many of them as great apprehenſions of this event as his enemies is ſeen by their conduct, and by the following paſſages, collected out of two letters publiſhed in the Sidney Papers, and written by the earl of Sunderland to his wife, a nobleman who loſt his life in the King's ſervice: "The King's condition is much improved of late; his force encreaſeth daily, which encreaſeth the inſolency of the Papiſts; how much I am unſatisfied with the proceedings here, I have at large expreſſed in ſeveral letters; if there could be an expedient found to ſalve the punctilio of honor, I would not continue here one hour: The diſcontent which I and other honeſt men receive daily is beyond expreſſion; the King is of late very much averſe to peace, by the perſuaſions of 202 and 111. It is likewiſe conceived, that the King has taken a reſolution not to do any thing in that way before the queen comes; for people adviſing the King to agree with the parliament was the occaſion of the queen's return; till that time no advice will be received: Nevertheleſs, the honeſt men will take all occaſions to procure an accommodation, which the King, when he ſent thoſe meſſages, did heartily deſire, and would ſtill make offers in that way but for 202 and 111, and the expectation of the queen, and the fear of the Papiſts, who threaten people of 342: I fear the Papiſts threats have a much greater influence upon the King than upon 343. If the King, or rather the Papiſts, prevail, we are in a ſad condition, for they will be inſupportable to all, but moſtly to us who have oppoſed them, ſo that if the King prevails by force I muſt not live at home; I apprehend I ſhall not be ſuffered to live in England, and yet I cannot fancy any way to avoid both, for the King is ſo awed by the Papiſts that he dares not propoſe peace, or accept; but if that be offered by the parliament, I and others will ſpeak their opinion, though by that concerning the treaty we were threatened by the Papiſts, who cauſed 99 to be commanded by the King, upon his allegiance, to return againſt his will, he being too powerful for 102 and 111, by whom England is now likely to be governed. I hear Leiceſter has refuſed to ſhew his inſtructions to the parliament without the King's leave, which reſolution I hope he will not alter, leſt it ſhould be prejudicial to him; for the King is in ſo good a condition at this time, that if the parliament would reſtore all his right, unleſs they will deliver up

In a council of war which the King called to delibe- Ann. 1643.
rate on the plan of his ſucceeding operations, it was plauſibly urged, That the poſſeſſion of Glouceſter would ſubject to his command the whole courſe of the Severn; that it would open a communication from Briſtol to Shrewſbury, and from thence to the North, by the means of Lancaſhire, and ſo entirely ſecure to him the poſſeſſion of Wales; that troops and contributions might be drawn thence to recruit his army; that the trade of Briſtol would, by ſupplying his garriſons of Worceſter and Shrewſbury, be ſo advanced as to produce from its cuſtoms and duty a large revenue *; that great ſums might be exacted from the yeomanry of the county of Glouceſter, who were rich, and able to redeem their delinquency at a high price; that it was the only garriſon the parliament had of importance in theſe parts; and thus the King would be poſſeſſed of an entire and glorious part of his kingdom, to contend with the reſt. Theſe arguments not being thought, by the majority of the council, weighty enough to ſacrifice the King's great expectations to the event of a doubtful ſiege, it was privately, and with better ſucceſs, urged, That Eſſex and the moderate party might be again driven to a deſperate reſolution, if the King ſhould attempt to re-enter London by force of arms; that he could ha-

up to a legal trial all thoſe perſons named in his long ——, and ſome others, he will not hearken to peace." *Sydney's State Papers*, vol. II. p. 667, *& ſeq.*

* The King had again claimed and exacted the cuſtoms, as his natural and hereditary right. *Ruſhworth.*

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Ann. 1643. zard nothing by attempting Glouceſter; and that the deſpondency of the parliament, with the diſtractions their diviſions occaſioned, was ſo great, that before the ſiege could be ended, they muſt be reduced to offer him his own terms. With this repreſentation of the ſtate of affairs it was pretended, That Maſſey, the governor of Glouceſter *, had given ſecret intimation, that it would not ſtand with his conſcience to fight againſt the perſon of the King; and therefore if the King himſelf, with his army, ſhould ſummon the town, he would not make any defence; and that, in this caſe, he ſhould be able to perſuade thoſe in the town to a like reſolution. This was the ſnare which entrapped the King, who was very ready to imagine that men committed a violence on their conſciences when they entered into conteſt with regal authority. Prince Maurice and the earl of Caernarvon were diſpatched with the Corniſh army to make a total reduction of the Weſt, whilſt the King, with ſix thouſand foot, and a far greater number of horſe, appeared, on the tenth of Auguſt, before the city of Glouceſter: The ſummons to ſurrender allowed two hours for an anſwer; but, long before the expiration of that time, the enemy returned one which ſhewed men determined to withſtand all extremities; and, as a proof of their ſincerity, before any motion was made by the royaliſts, they ſet all the ſuburbs of

Siege of Glouceſter.

* It is aſſerted by Clarendon, That Maſſey had been at York, with inclination to ſerve the King; but, not having the proſpect of preferment equal to his deſires, went to London, where, as this author obſerves, there were more money and fewer officers. *Clar. Hiſt.* vol. II. p. 242.

their

their city, in which were many large and fair build- Ann. 1643.
ings well inhabited, on fire. Indignity at this diſappointment now prompted the King to purſue what he had been drawn in to undertake; nor were perſuaſions neglected to confirm the reſolution: The town, it was alleged, was very ill provided with proviſion and ammunition; its ſtrongeſt defence was an old ſtone wall, too crazy to reſiſt any force of battery; the deſtruction of the ſuburbs had raiſed ſo ſtrong a party of malcontents, that, on the firſt attack, the garriſon would be enforced to yield; the parliament had no army, nor was likely to form one ſtrong enough to relieve the town, and, even if they had one, it was better to fight at ſuch a diſtance from London, where his majeſty was well ſupplied with whatever he wanted, could chooſe his own ground, and where his ſuperior body of horſe could be able to defeat any forces brought againſt them. The King's ill fate was at this time ſo prevalent, that, notwithſtanding the earneſt ſolicitations of the queen (never but in this particular inſtance reſiſted) the ſiege of the city of Glocester was regularly undertaken.

To return to the tranſactions of the capital. The Lords, who, previous to Sir William Waller's defeat, had made a motion to the Commons for another petition to the King for peace, were ſomething alarmed at the receipt of the proclamation annulling their authority: They reſolved, That they were bound, in duty to the eſtabliſhed government of the kingdom, to defend the preſent parliament with their lives and fortunes; and that a declaration ſhould be made to

Ann. 1643. that purpoſe to the kingdom, inviting all Engliſhmen to join them, with an aſſurance that they would receive all into their protection but perſons to be excepted in the declaration, and who ſhould appear to be the contrivers of theſe deſtructive counſels. The Commons, in a conference on the ſubject, hint a doubt of the reality of the Lords' good intentions, who, on this critical juncture, did not agree to ſeveral neceſſary propoſals they had made them.

At this period came out a very oſtentatious paper, addreſſed to the people, and publiſhed by the King, in which, after magnifying his ſucceſſes, and aſſuming the particular protection of God; after, in general and unmeaning terms, giving aſſurances of his good intentions towards the Liberty of the people; after inveighing bitterly againſt the conduct of the parliament; he offered pardon for all that was paſt to their followers, provided they would redeem their paſt crimes by uſing their utmoſt endeavors to reduce to obedience all thoſe who ſhould continue to bear arms againſt him; and exhorted a vigorous endeavor to put an end to the war, by contributing men, money, plate, horſes, and arms, to his aid. The ill ſucceſs which the popular party had met with had not ſo quelled their courage as to accept, on terms thus deſtructive, the arrogant mercy of the King: rather animated than ſubdued with the proſpect of danger, a petition, ſigned by a large number of citizens, for raiſing every individual of the party at once, was preſented to the Commons. As the petition had named the committee who were to manage the buſineſs, a warm debate enſued:

ſued: Thoſe among them who were willing to give interruption to the zeal of the citizens, inſiſted much on the irregularity of this circumſtance; but, in conſideration of the invincible neceſſity of the kingdom, it was paſſed over by the majority, with a ſalvo to preſerve the privilege of parliament. A committee, as nominated in the petition, was appointed to ſit at Merchant-Taylors Hall in the city, and new ſubſcriptions were opened for receiving money, ammunition, horſes, and perſons, without diſtinction. Orders and ordinances paſſed for raiſing horſes and men in all the ſouthern parts of the kingdom; and the committee of the London militia, the deputy-lieutenants, and the committees of parliament in the ſeveral counties, were impowered to inliſt men; the refuſers to be committed to priſon, or to pay a fine of ten pounds. The earl of Mancheſter was appointed, by a vote of both houſes, ſerjeant-major-general of the forces to be raiſed in the aſſociated counties of Norfolk, Suffolk, Eſſex, Cambridge, Hertford, and Huntingdon; and Sir William Waller, who was now returned to London, and had repreſented his conduct, and the circumſtances which occaſioned his defeat, in a light which exculpated himſelf, and flung the whole odium on Eſſex, was, at the deſire of the ſubſcribers, voted commander in chief of the city militia; and a new vow and covenant for the defence of the cities of London and Weſtminſter, and the borough of Southwark, were taken by all ranks of people. Eight thouſand foot and dragoons, and two thouſand horſe, were to be raiſed in the aſſociated counties: As the means were compulſive, it afforded an opportunity Ann. 1643.

Ann. 1643. for the King's party in Kent to make an inſurrection, which was quickly ſuppreſſed, and the ringleaders ſent up priſoners to London. The care of the Tower was inveſted in the lord-mayor and ſheriffs, Sir John Coniers having demanded leave to go with his family abroad. A Daniſh veſſel, laden with arms and ammunition for the King, was, about this time, ſeized in the river Thames, and the arms ſent down to the Iſle of Ely, of which place Oliver Cromwell, a colonel in the ſervice, had been lately appointed governor.

SPIRITED as were theſe meaſures of the parliament and city, the Lords, on the news of the ſurrender of Briſtol, were ſtruck with ſuch a panic, that, deſiring an immediate conference with the Commons, they declared to them, That they were reſolved to ſend the following propoſitions to the King: "That both armies might be immediately diſbanded, and his majeſty entreated to return to his parliament, upon ſuch ſecurity as ſhould give him ſatisfaction: That religion might be ſettled, with the advice of a ſynod of divines, in ſuch a manner as his majeſty, with the conſent of parliament, ſhould appoint: That the naval and land militia might be ſettled by a bill, and the militia, forts, and ſhips of the kingdom put into ſuch hands as the King ſhould nominate, with the approbation of both houſes of parliament; and his majeſty's revenue to be abſolutely and wholly reſtored to him, only deducting ſuch part as had been of neceſſity expended for the maintenance of his children: That all the members of both houſes, who had been expelled only for abſenting themſelves, or mere compliance with

with his majeſty, and no other matter of fact againſt them, might be reſtored to their places: That all delinquents, from before the tenth of January 1641, ſhould be delivered up to the juſtice of parliament, and a general pardon for all others on both ſides: That there might be an act of oblivion for all by-gone deeds and acts of hoſtility."—On the report of this conference in the lower houſe, it was urged by the ſenſible part of the aſſembly, That it would be abſurd and dangerous to enter into a treaty in the preſent circumſtances; that they had received much prejudice by the Oxford treaty, and muſt now expect, in the low condition of their affairs, to receive more *; that the King having declared them no parliament, they could not treat in any ſafe capacity; that the Ann. 1643.

* The juſtneſs of this argument cannot be better ſhewn than in Clarendon's obſervation on theſe propoſitions: "Without doubt if they had been ſent, ſays he, which, if the power had been in the two houſes, they would, a firm peace had enſued; for, beſides that, if a treaty and ceſſation in that conjuncture had been entered on, no extravagant demands would have been preſſed, only a ſecurity for thoſe who had been faulty, which the King would gladly have granted, and moſt religiouſly obſerved, the fourth propoſition, and conſent to reſtore all members to their places, would have prevented the kindling any more fire in thoſe houſes." This is to ſay, that after all the blood and treaſure which the party devoted to Liberty had ſpent in the cauſe, their leaders, expoſed to penalty by the ſtrict letter of the law, would have been ſecured from puniſhment by the King's gracious condeſcenſion, and their enemies exalted to the higheſt honors and dignities of the ſtate—circumſtances which would have ſufficiently vindicated the cauſe of tyranny; whilſt the King, in the abſolute poſſeſſion of the moſt noxious prerogatives of the crown, would have had the aſſiſtance of a parliament to confirm and legitimate the deſpotiſm ſuppoſed to be inherent to monarchy. *Clar. Hiſt.* vol. II. p. 247.

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Ann. 1643. kingdom of Scotland, on their requeſt, was preparing to aſſiſt them with all brotherly affection and forwardneſs; and, after ſuch a diſcovery of their intentions, to treat for peace without their privity was to betray them, and to forfeit all hopes of hereafter relief; that the city of London and adjacent counties had expreſſed all imaginable readineſs to raiſe forces for Sir William Waller, which would enable the earl of Eſſex ſpeedily to march, with a better army than he had ever commanded, to give the King battle; that any diſcourſe of peace would extinguiſh the zeal which was now flaming in the hearts of the people; and therefore the propoſitions tendered by the Lords ſhould not be even taken into conſideration. Powerful as were theſe arguments, the King's partizans in the houſe *, with a number whom fear had reconciled to peace on any conditions, after a warm debate, which laſted till ten o'clock at night, formed a majority of ninety-four againſt ſixty-nine for taking the propoſitions into conſideration; and, on a ſecond diviſion, it was carried to aſſent to what concerned the King's revenue in the propoſitions, and to take the reſt into farther conſideration. The Sunday intervening before the time appointed for this debate, the popular leaders had leiſure to take the meaſures neceſſary for the ill they expected: A common-council was called by Pennington, the lord-mayor, which aſſembly drew up a petition againſt the Lords' propoſitions for peace, and an ordinance preſcribing the moſt effectual manner of carrying on the war. The

Petitions for and againſt peace.

* Clarendon ſays there were many of theſe.

peti-

petition was preſented to the houſe by a ſelect number of aldermen and common-council, who were attended by ſo numerous a train of petitioners, that the Lords, deſiring an immediate conference with the Commons, told them, That they muſt adjourn their houſe, and would continue ſo to do, if tumults were not ſuppreſſed; whilſt Mr. Hollis, to abate the ſpirit of the party, produced in the houſe a letter from the general Eſſex, informing them, that the King's forces had taken Dorcheſter and Weymouth. This was ſo far from producing the deſigned effect, that the Commons, after having returned the petitioners thanks for their petition and advice, rejected the propoſitions for peace by a majority of eighty-eight againſt eighty-one. Ann. 1643.

During theſe tranſactions, the King's party in the city, terrified by the execution of Tomkins and Challoner, had remained quiet; but now, exaſperated at the ill ſucceſs of the Lords' intentions, and the ſpirit which appeared againſt treating on ſuch terms with the King, and encouraged by the civility with which a female petition had been on a different occaſion entertained, ſpirited up ſome of the lower ſort of women to clamor for peace: A petition on this ſubject was accordingly, on the ninth of Auguſt, preſented to the Commons by two or three thouſand women, with white ſilk ribbons in their hats. The houſe had the complaiſance, after giving it a reading, to appoint a committee to wait on the petitioners, to aſſure them of the earneſt deſire of the houſe for peace, and

A female tumult.

that

Ann. 1643. that they did not doubt, in a ſhort time, to anſwer the end of their petition. This general, though very civil anſwer was far from ſatisfying: The number of females which crouded round and up to the doors of the houſe, and of men diſguiſed in womens cloaths, were by noon encreaſed to five thouſand, crying out in a tumultuous manner, "Peace! peace! give us thoſe traitors who are againſt peace, that we may tear them to pieces! give us that dog Pym!" The trained bands, who ſtood centinel at the doors of the houſe, attempted to quell the rioters by a diſcharge of powder; but this only exciting their deriſion and a farther boldneſs, which proceeded to driving away the centinels with brickbats, the houſe, in their own defence, was obliged to ſend for a troop of horſe, who, after endeavoring in vain by fair words to appeaſe theſe amazons, drew their ſwords, but could not diſperſe them till they had ſlaſhed ſeveral over the hands and faces; a ballad-ſinger was killed on the ſpot, and another woman wounded in a manner which occaſioned her death *. The Lords continued

* The partiality of a partizan cannot be more ſtrikingly obvious than in Clarendon's account of this female tumult: "The women, ſays he, expreſſed greater courage than the men; and, having a precedent of a rabble of that ſex appearing in the beginning of theſe diſtractions, with a petition to the houſe of Commons to foment the diviſions, with acceptance and approbation, a great multitude of the wives of ſubſtantial citizens came to the lower houſe with a petition for peace: Thereupon a troop of horſe, under the command of one Hervey, a decayed ſilkman, was ſent for, who behaved with ſuch inhumanity, that they charged among the ſilly women, as an enemy worthy of their courage, and killed and wounded many of them." The civility with which

to importune the Commons on the ſubject of tumults: Ann. 1643.
The Commons recommended to the lord-mayor to take ſome courſe to prevent them, appointed a committee to prepare reaſons to ſatisfy the Lords on their refuſal to aſſent to the propoſitions, and to intreat them not to deſert the defence of the kingdom at this time, for the Commons would do their utmoſt in the defence of the Lords, as much as for themſelves.

THESE friendly aſſurances prevailed ſo far as to prevent the deſperate meaſure of an adjournment, in this peril of the commonwealth. But the earls of Northumberland, Bedford, Clare, Holland, and Portland, with the lords Lovelace and Conway, who had long eyed, with an envious aſpect, the encreaſe of popular privileges, and the power the lower houſe had gained by the vaſt abilities, reſolution, and perſevering ſpirit of its members, agreed to put themſelves under the protection of the earl of Eſſex, whoſe diſcontents they were acquainted with, and with whom they had long held a ſecret correſpondence. They were to have declared a want of free-

which the petitioners were treated by the houſe of Commons, with the provocations which excited theſe acts of inhumanity, are concealed by the hiſtorian, and the neceſſity of quelling a tumult which was only deſigned by the party as a prelude to a more formidable inſurrection. If the rank of thoſe hurt and killed in the fray, with other concealed circumſtances, had been weighed, it muſt have appeared, from the very different behaviour of the petitioners, that the hiſtorian's aſſertion was abſolutely falſe; that theſe were a rabble of the loweſt of the ſex, unconducted by any perſon of decent carriage; and the others the wives of creditable and ſubſtantial citizens.

Ann. 1643. dom in debate, to have proteſted againſt the violence which had been offered, and the breach of their privileges by the common-council's taking notice of their conſultations, and, by the means of the army, have forced the two houſes to conſent to ſuch an agreement, ſays Clarendon, as the King would well have approved. The earl of Eſſex had, from the coldneſs and inſufficiency of his conduct, long lain under the cenſure of the whole party, and the great diſpleaſure of the Commons, who, if Sir William Waller had been victorious in his weſtern expedition, would certainly have diſplaced Eſſex, and appointed Waller their general in chief. On the aſſurances this latter had given, no expence had been ſpared to make him ſucceſsful, whilſt the applications of Eſſex, to whom alone could be imputed the extreme difficulties under which the two houſes labored, were treated with neglect; they had little reaſon to haſten the recruiting an army which had done ſuch inconſiderable ſervice, and which had put them to an enormous expence; but the death of Hamden, and Waller's defeat, entirely diſconcerted their intended meaſures: They could not, in the preſent critical ſituation of their affairs, hazard ſo bold a ſtroke as the removal of Eſſex, who, reſenting the loſs of his influence, not only held a ſtrict correſpondence with thoſe of the two houſes who had ſhewn the moſt diſcontent at the councils which prevailed, and had been the moſt clamorous for an accommodation, but wrote a letter to the parliament, adviſing a treaty with the King; at the ſame time plying them with complaints of ill uſage, and preſſing them for reparation, and vindication

cation of his honor from aſperſions which had been caſt upon it: He demanded, that a parliamentary enquiry ſhould be made into the conduct of their forces in the Weſt, and ſent up the terms upon which he was willing to keep the army together. The conduct of the party, in regard to the management of Eſſex, was a maſter-piece of policy: After ſhewing him, by making the earl of Mancheſter general of the aſſociated counties, where their chief forces lay, and to which they had now added Lincoln, and raiſing a reinforcement to ſerve under Sir William Waller, that they had other generals to truſt to, they ſent a committee of both houſes to him to appeaſe his diſcontent, and endeavor to recover his former good affections. Theſe, after flattering his vanity by telling him that the parliament had an high opinion of his paſt ſervices, after ſoothing his diſcontent by promiſing puniſhment to his libellers, and, from the full teſtimony of the confidence placed in him by both houſes, ample vindication for the calumnies which had been raiſed againſt him, repreſented the deſperateneſs of his condition, ſhould the King prevail by force of arms; the little countenance which the adherers to the power of parliament would have from government, ſhould the two houſes be forced into a peace on unfavorable conditions; and that, from motives of ſtate-policy, the envy of particular friends and adherents, with the haughtineſs of the King's diſpoſition, little favor could be expected by thoſe who had oppoſed him with arms, even if, by a breach of confidence, they ſhould deſert their party, and haſten the progreſs of his conqueſts. With theſe

Ann. 1643. repreſentations were mixed others of a different nature; viz. that the public would make a grateful return of reſpect and honor for benefits received, whereas little could be expected from ſerving a prince whoſe pride of temper occaſioned him to look upon obligations of the higheſt nature as acts of mere duty from a ſubject to his ſovereign, and that the honor of being engaged in his ſervice was of itſelf a ſufficient reward; and whoſe extravagant idea of the ſuperiority and privileges annexed to the rank of princes was ſuch, that no ſubject, however powerful or uſeful to his intereſt, could expect other than to be mortified by a behaviour ſuperciliouſly inſolent. The different treatment to be expected from the parliament and the court, was ſpecially marked by comparing the perſonal reſpect which Eſſex had met with from the two houſes, and the rank he held in the kingdom, with that the marquis of Hertford had received on the differences which had happened between him and the two princes, and the mortifications all the Engliſh nobility daily met with from the unreſtrained inſolence of prince Rupert's behaviour. Theſe arguments, with a promiſe that cloaths ſhould be provided, arrears paid, and his army recruited before the other regiments were complete, were more than ſufficient to ſettle the diſcontents, and reform the conduct of Eſſex: The change of whoſe inclinations not only fruſtrated the deſign of the fore-mentioned noblemen, but the fear that he ſhould diſcover their treacherous overtures occaſioned them to abandon the town, and ſeek for protection in the King's quarters.

Essex

Essex now prepared himſelf to ſerve with ſincerity the parliament: His army was recruited in the ſpace of fifteen days, and, on the twenty-ninth of Auguſt, at the head of fourteen thouſand men, he began his march from Ayleſbury, to raiſe the ſiege of Gloceſter. Maſſey, who had under his command fifteen hundred regular troops, beſides citizens devoted to the ſervice, made ſo brave a reſiſtance, and, by repeated ſucceſsful ſallies, ſo quelled the courage of the enemy, that the King, with the loſs of an infinite number of men and horſes, after having lain twenty-ſix days before the town, had made no impreſſion on it. On the news of Eſſex's motion, prince Rupert was diſpatched with the horſe to harraſs him in his march: Eſſex advanced with a ſteady intrepidity, and over an open champain country, near thirty miles in length, by the force of military ſkill, conduct, and diſcipline, though much inferior in cavalry, defended himſelf from the enemies' horſe, who, on his approach to Gloceſter, after having made an ineffectual attack, raiſed the ſiege *. With the want of proviſion and all neceſſaries, one barrel of powder was the whole ſtock of ammunition remaining in the garriſon; but their deliverer repleAnn. 1643. Gloceſter relieved.

* The King, on hearing of the enemies' ſwift advance towards the relief of Gloceſter, endeavored to amuſe them with propoſitions to be treated on; but the general Eſſex returned to the meſſenger an immediate anſwer, That he had no commiſſion to treat, but to relieve Gloceſter, which he was reſolved to do, or to loſe his life there. His ſoldiers, on hearing that a trumpeter was come with propoſitions to treat, cried out with repeated acclamations, "No propoſitions! no propoſitions!" *Whitlock*, p. 69.

niſhed

Ann. 1643. niſhed their military ſtores, and ſupplied plentifully with proviſions the town and his own army from thoſe places where the King's had been in want of all things, the inhabitants having carefully concealed their ſtore from the royaliſts, and preſerved it for that party whoſe cauſe they favored.

After the relief of Gloceſter, Eſſex retired to Tewkſbury; and whilſt, by a military feint, he made the King believe his intention was to march to Worceſter, he took another road, and, by the favor of a dark night, ſurpriſed Cirenceſter, with three hundred of the King's troops, his magazine, and a convoy of proviſions which lay in the town. By the north parts of Wiltſhire, where the enemies' horſe could act to the leaſt advantage, Eſſex directed his courſe to the capital: The main body of his army reached Hungerford in ſafety; but, after having loſt many in the rear by the activity of the enemies' horſe, he had the mortification to find, on his approach to Newberry, that the King had, by haſty marches, arrived before him, and was in poſſeſſion of the town. Great were the advantages now on the ſide of the King: A good town in his own quarters, ſituated on an eminence, to refreſh his tired army, his garriſon of Wallingford near at hand, and Oxford within diſtance of affording every ſupply which was wanted; whilſt the enemy, tired with long marches, and harraſſed with continual attacks, having no other lodging than the field, nor means of ſupply of any ſort, muſt at all hazards force their way through the enemy. Eſſex had formed his army to great advantage on a hill within

within a mile of the town, when the King's troops, who, notwithſtanding their having been foiled at Gloceſter, conceived an irrational contempt of the enemy, foregoing all their ſuperiorities, began the attack. Eſſex on this occaſion diſplayed the ſkill of a good general, and performed the duty of an inferior officer: With a brigade of horſe and his own regiment he led on the battle; and, whilſt his cavalry was ſeveral times broken by the King's, his infantry, maintaining themſelves in firm array, continued a conſtant fire; and as the horſe, according to orders, retired between their ranks, preſented their pikes to the enemies' cavalry, and ſhelter to their own whilſt they rallied behind them. The fight, carried on in this manner, continued till night put an end to the action, and left the victory, after the loſs of a thouſand men on each ſide, undecided; but the event ſhewed the advantages to be on the ſide of Eſſex, who, after the battle of Newberry, proceeded with very little loſs or interruption to Reading, and from thence to London; but was guilty of an unpardonable omiſſion in leaving this town to the poſſeſſion of the King, who followed him cloſe at the heel, and who, by re-eſtabliſhing a garriſon at Reading, ſtreightened London and the parliament's quarters *.----In this battle, which laſted from ſix o'clock in the morning till night, the London militia, though formed of apprentices and tradeſmen, utterly unacquainted with action, eſpecially ſignalized themſelves, diſplaying a courage as cool Ann. 1643. Battle of Newberry.

* "We were not, ſays Ludlow, arrived to the time to make the moſt of our advantages."

and

Ann. 1643. and ſteady as could have been expected from the moſt veteran forces.

Death and character of lord Falkland.

WITH the earls of Sunderland and Caernarvon, the King had the misfortune to loſe the nobleman whoſe adherence did the moſt honor to his cauſe; this was Lucius Cary, viſcount Falkland, a man whom all his cotemporaries agree to have been poſſeſſed of good abilities, great quickneſs of parts, and of manners virtuous and amiable. The father of this nobleman had filled the office of deputy of Ireland before the advancement of Strafford; and though he had, by this earl's means, received perſonal diſpleaſure from the court, yet his ſon, who had himſelf on ſome frivolous occaſion, when a raw youth, ſuffered an impriſonment in the Fleet, was of the privy-chamber in the year 1633, and was ſo zealous againſt the Scots, that, though refuſed a command of a troop of horſe, he ſerved as a volunteer under the earl of Eſſex in the expedition of 1639. Being elected a member of the ſhort parliament of 1640, he became, from the ſtrength of facts and arguments urged againſt the King's adminiſtration, an advocate for the popular cauſe; and, in the beginning of the ſucceeding parliament, ranged himſelf among the fierceſt of its adverſaries. Whilſt the actions and deſigns of the patriot members were bound within the ſtrict letter of the law, or that Falkland imagined them ſo authoriſed, he adhered ſteadily to the popular intereſt *;

* Clarendon has the following curious obſervation on lord Falkland's oppoſition to the court: "For he was ſo rigid an obſerver of eſtabliſhed laws and rules, that he could not endure the leaſt breach or deviation from them; this made him ſo ſevere againſt the lord Finch and earl of Strafford, contrary to his natural gentleneſs of temper: But, in both caſes, he was only mis-led by the authority of thoſe whom he believed underſtood the laws perfectly, of which he himſelf was perfectly ignorant." Was ſeverity againſt Finch and Strafford incompatible with ſweetneſs and gentleneſs of temper? Does not the hiſtorian in a manner juſtify theſe two notorious offenders, and inſinuate that they were only guilty of trifling breaches of law? *Clar. Hiſt.* vol. II. p. 272.

but when the attacks on regal power grew to the Ann. 1643. reforming and ſtrengthening laws which, by experience, had been found not ſtrong enough to reſtrain it from uſurpations, he choſe to defend the prerogatives which had overturned it, only becauſe they were eſtabliſhed by precedent. Thus the virtue of Falkland taught him a leſſon little uſeful to the defence of man, and totally oppoſite to the principle of reformation; viz. That Cuſtom gives not only a legal, but a ſacred and perpetual, eſtabliſhment to tyranny. When the duplicity of the King's conduct, with the acts of violence he had attempted, had ſo debaſed his character, and rendered him ſo unpopular, as to make it diſgraceful to an honeſt man, and dangerous for any man, to enliſt in his ſervice, the virtue of Falkland occaſioned him to accept of the employment of ſecretary of ſtate, leſt the refuſal ſhould bring ſome blemiſh on the King's affairs, and leſt the world ſhould imagine he feared the delicate nature of his conſcience would receive violence in performing the functions of that office *. After voting for the re-

* Though Falkland's panegyriſt, the lord Clarendon, has taken great pains to ſhew that this preferment was reluctant to his inclination, yet, at the ſame time, he allows that he had been ſolicitous for office. *Clar. Hiſt.* vol. II. p. 273.

Ann. 1643. moval of biſhops from their ſeats in parliament, the virtue of Falkland, enlightened by Mr. Hyde, oppoſed with violence the extirpation of an order of men who had, in his opinion, been the principal cauſe of oppreſſion both in Religion and Liberty; who had been the deſtruction of unity, under the pretence of uniformity; who had brought in ſuperſtition and ſcandal, under the titles of reverence and decency; who had defiled the church by adorning the churches; who had ſlackened the union between the church of England and the other reformed churches; who had tithed mint and aniſe, and left undone the weightier matters of the law; who had been leſs ſevere on thoſe who damned our church, than on thoſe who, upon weak conſcience, had abſtained from it *; who had reſembled the dog in the manger, neither preached themſelves, nor employed thoſe who ſhould, nor ſuffered thoſe who would; who had brought in catechiſing only to thruſt out preaching, and cried down lectures by the name of faction; who had induſtri-

Ruſhworth, vol. IV. p. 184, & ſeq.

* In this ſpeech it was aſſerted, That, whilſt maſſes had been ſaid in ſecurity, a conventicle had been a crime; that the conforming to ceremonies had been more exact than the conforming to Chriſtianity; and that whilſt men for ſcruples had been undone, attempts on the moſt execrable acts of debauchery had been only admoniſhed; that the moſt frequent ſubjects, in the moſt ſacred auditories, had been the *jus divinum* of biſhops and tythes, the ſacredneſs of the clergy, the ſacrilege of impropriations, the demoliſhing of Puritaniſm and property, the building the prerogative at Paul's, and the introduction of ſuch doctrines as, admitting them true, the truth would not recompence the ſcandal, or ſuch as was ſo far falſe that, like the Caſuiſts, their buſineſs was not to keep men from ſinning, but to confirm them. *Ruſhworth*, vol. IV. p. 184.

ouſly

ouſly labored to deduce themſelves from Rome, and had given great ſuſpicion that in gratitude they deſired to return thither, or at leaſt to meet it half way; who had evidently labored to bring in an Engliſh, though not a Roman popery, that is, the outſide and dreſs of it, but equally abſolute, a blind dependance of the people upon the clergy, and the clergy upon themſelves; who had both written, preached, plotted, and acted againſt our liberties; who had labored to exclude both all perſons and all cauſes of the clergy from the ordinary juriſdiction of the temporal magiſtrate, and, by hindering prohibitions, to take away the only legal bound to their arbitrary power; who had kindled and blown the common fire of both nations, and had been the almoſt ſole abettors of my lord of Strafford. The faults of the individuals of this order, according to the opinion of Falkland, proceeded from the nature of the order itſelf: Yet it was to be preſerved, for no better reaſon than becauſe it was poſſible for a biſhop to be a good man. When civil contention proceeded to extremity, when King and parliament, rather than relinquiſh their ſeveral views and pretenſions, were determined to engage the nation in a civil war, the virtue of Falkland occaſioned him to add weight to that ſide whoſe weakneſs muſt, but from ſuch ſupport, have prevented from diſturbing the public peace, and thus, by aſſiſting in balancing the ſtrength of parties, be in ſome meaſure the author of thoſe bloody calamities which ſo long afflicted his country. To oppoſe a party whom, it was ſuppoſed, actuated by ambitious views, ſought to innovate the conſtitution, the virtue of Falkland

Ann. 1643.

Ann. 1643. excited him to attempt the full reſtoration of an authority from which, in his opinion, many grievances had flowed; and, inſtead of adhering to that ſide whoſe ſucceſſes might, by wiſe and upright councils, have produced a better ſettlement of laws, and happier principles of government, to take up arms for the King, whom victory muſt ſecure in the full poſſeſſion of that abſolute ſway he had exerted and ſtill affected, and turn the limited powers of the conſtitution into a complete regal deſpotiſm. To concur, from principle, with ſo much evil, and act againſt ſuch obvious concluſions, ſhews a ſuperſtitiouſneſs of temper * and weakneſs of mind which are altogether incompatible with a ſound underſtanding. It is ſuppoſed that he was ſo far from being inſenſible of the conſequences already mentioned, that, dreading the too-proſperous ſucceſs of his party †, his natural vivacity and gaiety of temper viſibly abated; he became ſad, pale, gloomy, and reſerved; nor ever aſſumed his wonted chearfulneſs and vigor, but when there was any overture or hope of peace, which he

* A proof of a weak ſuperſtitious regard to formalities he gave in a propoſition to the lower houſe, which, if acquieſced in, would have entirely prevented the ſecuring the perſon of the lord Strafford, and given him a fair opportunity to ruin his country for the juſtice it intended him.

† Sir John Colepeper, one of lord Falkland's moſt particular friends, who had, like him, engaged on the ſide of Liberty, and, like him, deſerted it to ſupport the power of the crown; who had, like him, at firſt been no friend to epiſcopacy, and, like him, for his change of opinion been rewarded with office; was the perſon who preſſed with the moſt earneſtneſs, and with the beſt ſucceſs, the ſiege of Glocester.

was

was very ſolicitous to promote. It was his uneaſineſs Ann. 1643.
of mind, from the view of preſent calamities, and the dread of future evil, which hurried on his fate; his friends in vain ſtrongly diſſuading him, as he had no military command, from engaging in the fight; but he ſaid he was weary of the times, and did believe he ſhould be out of them ere night. Clarendon has endeavored, with his utmoſt ſkill, to repreſent the character of his friend and pupil, lord Falkland, as the moſt perfect of that or any age; but it appears, from this very repreſentation, that, though his virtue was great, his underſtanding was moderate; that he had a narrow way of thinking; and that his morals were too refined to be ſerviceable: He would not entertain ſpies, nor open letters, to ſerve his maſter, or ſave the cauſe in which he had engaged both life and fortune; nor deviate from the ſtrict letter of precedent, to give Liberty to the commonwealth: On occaſions thus important, ſuch trifling punctilios, at the ſame time they prove the goodneſs of the heart, betray the weakneſs of the judgment. Falkland, at an early period of life, entered into the enjoyment of large poſſeſſions, when, in defiance of thoſe ſtimulating excitements, Example and Opportunity, inſtead of launching out into a riotous diſſipation of wealth, time, and conſtitution, he entered into a ſtrict courſe of ſtudy: As ſuitable to his years, he at firſt applied himſelf to the light parts of literature, and made ſome ſucceſsful attempts in poetry; afterwards to abſtruſe learning----but, in attempting ſcience, he loſt wiſdom; his judgment being too moderate to extract, from the droſs of learning, the

ſpirit

Ann. 1643. ſpirit of truth, or diſtinguiſh realities from the formalities of knowledge; his natural underſtanding was rather clouded than enlightened by ſuch application. He was a friend and patron to genius, and his love of letters occaſioned him to converſe chiefly with men of this ſtamp, by whom he was regarded as a prodigy of learning for his rank and years *. The partizans of that cauſe in whoſe defence he loſt his life, aſſure us, that he was of the moſt unblemiſhed integrity; but there are ſome facts which call this in queſtion †: His character, however, upon

* Lord Falkland was himſelf an author of ſome reputation. His works, beſides his ſpeeches ſpoken in the houſe, are, A Draught of a Speech concerning Epiſcopacy; A Diſcourſe of the Infallibility of the Church of Rome; A View of ſome Exceptions made againſt the Diſcourſe of the Infallibility of the Church of Rome; A Letter to Mr. F. M. A Letter to Dr. Beale, Maſter of St. John's College, Cambridge; An Anſwer to Mr. Walter Mountague's Letter concerning the changing his Religion; Poems; with a Comedy called The Marriage. *Biographia Britannica. Wood's Athenæ Oxonienſis.*

† The principles and facts laid down in the papers publiſhed in Charles's name, whilſt the lord Falkland was ſecretary of ſtate, are very inconſiſtent with that nobleman's profeſſions whilſt he declared himſelf a partizan for the popular cauſe. He ſigned a declaration, that he did not believe the King intended to levy war on his ſubjects, at the very time when he ſubſcribed to raiſe twenty horſe for that purpoſe. He acquieſced in Mr. Hyde's frauds, and connived at enormities of an higher nature. The following is the teſtimony of Mr. Jephſon, a member of the houſe of Commons, delivered at a conference between both houſes: "At my late being at Oxford, finding the lords Dillon and Taaffe in favor at court, I acquainted the lord Falkland, his majeſty's ſecretary, that there were two lords about the King, who, to his majeſty's great diſhonor, and the great diſcouragement of his good ſubjects, did make uſe of his majeſty's name to encourage the rebels: To make this appear, I informed, that I had ſeen two letters ſent by the lord Dillon and the lord Taaffe to the lord Muſkerry, the chief

the whole, was generally reſpected, and his death, Ann. 1643. which happened in his thirty-fourth year, lamented by moſt men.

THE conduct of Eſſex in the relief of Gloceſter, and the ſafe return of the army, was looked on by all parties to be the beſt piece of generalſhip which had been performed in this war: An exhibition which, at the ſame time that it vindicated his military ſkill, evinced his want of ſincerity on former occaſions. He was received in London with all the marks of reſpect and gratitude due to the ſervice he had performed. Nor leſs grateful was the reſentment ſhewn by the two houſes of the gallant merits of the defenders of the town of Gloceſter: A letter of thanks, with the reward of a thouſand pounds, was ſent to the governor; largeſſes to all the inferior officers, in proportion to their ranks; and a month's pay over their arrears to the private ſoldiers.

chief man in rebellion in Munſter, and one of the Iriſh committee ſent into England, intimating, That though it did not ſtand with the conveniency of his majeſty's affairs to give him public countenance, yet that his majeſty was well pleaſed with what he did, and would in time give him thanks for it, or near to that purpoſe; that thoſe letters were ſeen by the lord Inchiquin, the chief commander of the Engliſh forces in Munſter, and by his ſecretary, who had kept copies of them; and that I was ready to juſtify as much. Whereupon the lord Falkland was pleaſed to ſay, That they deſerved to be hanged. But though I ſtaid at Oxford a week after this diſcovery, I never was called to any farther account, nor any prejudice done to thoſe two lords, but they had the ſame freedom at court as before." *Declaration of the Commons aſſembled in Parliament, concerning the Riſe and Progreſs of the Grand Rebellion in Ireland.*

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Ann. 1643. THE triumphal honors given to Eſſex did not ſatisfy his fantaſtic pride, which ſhewed itſelf tenacious of command, yet unambitious of that glory and power which muſt have followed a maſterly execution of the high office with which he was inveſted. Elated with the ſignal, yet only ſervice he had ever performed, he now openly manifeſted the diſguſt he had conceived on the truſt yet repoſed by the city and parliament in Sir William Waller. Waller was intended by the two houſes to be ſent to the relief of Gloceſter; and it was the jealouſy of this rival which excited Eſſex to exert his abilities. He now complained of diſcouragements he had received in the execution of his office of general; that the commiſſion granted to Waller was inconſiſtent with his; and requeſted, for theſe reaſons, leave to reſign and go beyond ſea. There is no doubt but thoſe of the party who were ſincere in their oppoſition to the court, and wiſhed to ſee matters brought to a deciſion, would have been very glad to have taken any opportunity to get rid of a commander who had miſſed ſo many occaſions to ruin the King's affairs; to whoſe obvious omiſſions he had owed all his advantages; and who had furniſhed him with a very recent one, in leaving Reading undefended and open to his forces: Eſſex, however, had the inclinations of the majority of the upper houſe, and a great party in the lower houſe; the popular faction did not care, at this critical time, to puſh matters to extremity, or afford their enemies an opportunity to ſay they had ſlighted the man who had relieved Gloceſter, and given ſo ſaving an interruption to the progreſs of the King's conqueſts.

Waller

Waller perceiving that there was a general diſpoſition to ſatisfy Eſſex, offered to give up his commiſſion: It was voted in the upper houſe, That it ſhould be reſcinded, as inconſiſtent with that of the lord general; and, by a vote of the Commons, it was ordered, That though his commiſſion appointed him to receive orders from both houſes, yet he ſhould obſerve ſuch inſtructions as the lord general ſhould give him. Ann. 1643.

The parliament make a new great ſeal.

AFTER this buſineſs was ſettled, the two houſes came to an agreement on a matter which had lain long dormant, and to the proceeding on which the Lords had, on reiterated reaſons, been frequently urged by the Commons: This was the making a great ſeal for the uſe of the parliament, the want of which had entirely obſtructed the common juſtice of the kingdom; and as the ſubjects in general paid a ſuperſtitious regard to its authority, the affairs of the parliament had ſuffered much by its loſs; and now that the numbers of the lower houſe, by defection and foreign employment, were, on debates of the utmoſt importance, very thin, it was abſolutely neceſſary to ſupply, by new writs of election, the room of thoſe which were void by death, by expulſion, and abandonment *.

* Previous to this aſſent, the Commons, on a former refuſal of the Lords, had given orders for the making a great ſeal, the form of which was, A repreſentation of the houſe of Commons (the members ſitting) on one ſide, and the arms of England and Ireland on the other: The form of the ſeal made by the joint order of both houſes, was the ſame as that uſed by the King. The commiſſioners appointed for the

Ann. 1643. Sentences of the judges Berkley and Trevor.

THE Lords now found leiſure to give their long-ſuſpended judgment on thoſe corrupt heads of the law, to whoſe infamous compliance were, in a great meaſure, owing the calamities of the times. Judge Berkley was ſentenced to pay a fine of twenty thouſand pounds, to be impriſoned during the pleaſure of the houſe, and to be diſabled from bearing any office in the commonwealth; Sir Thomas Trevor, to be fined in the ſum of ſix thouſand pounds, and to be impriſoned during the pleaſure of the houſe.

Huſbands's Collections, fol. ed. p. 29.

PURSUANT to a declaration of parliament, That all perſons coming from the King's quarters to London without a ſafe-conduct ſhould be treated as ſpies, a ſpy whom the King had ſent, under the pretence of an offer of peace, to carry on correſpondences with his friends in the capital, was, by the Commons, committed to priſon *. The foreſaid declaration was afterwards publiſhed by way of ordinance; but was

keeping the great ſeal were, of the upper houſe, the earls of Kent and Bolingbroke; of the lower houſe, Oliver St. John (ſolicitor-general), John Wild (ſerjeant at law), Samuel Brown, and Edmund Prideaux.

One of the firſt uſes to which the parliament put their new ſeal, was the ſealing a patent conſtituting the earl of Warwic lord high admiral of England. It was moved by this officer, That the naval preparations ſhould be extended to forty-ſix ſhips, and that ſixty thouſand pounds were required to be immediately advanced for proviſions, &c. *Parl. Hiſt.* vol. XII. p. 422, 441, 458, *& ſeq.*

* Clarendon ſays, that the King had every day information of what paſſed among his enemies, even in their moſt ſecret councils; that he ſent meſſages to the parliament on purpoſe to have the conveniency of ſending to London, of which journies he made good uſe. *Clar. Hiſt.* vol. II. p. 126, *& ſeq.*

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ſo little regarded at Oxford, that, twelve days after, Ann. 1643.
Daniel Kniveton (the King's meſſenger) arrived with three proclamations; one of which was againſt the obſervation of a monthly faſt enjoined by the parliament; another for removing the ſeals of the Exchequer, King's-Bench, and Common-Pleas, to London; and a third againſt the taking of a ſolemn league and covenant, at this time enjoined by the authority of parliament. Kniveton was committed to priſon: yet, in leſs than a month, he was followed by one Carpenter, with an order for the judges to adjourn the term to Oxford. Carpenter was apprehended by Reeves and Trevor, two of the judges to whom he had delivered the writs of adjournment; and, to deprive the King of the advantages he had reaped by the means of ſuch pretences, Kniveton, who had been before committed at Windſor on a ſimilar occaſion, was executed; and Carpenter underwent the ſame condemnation, but was reprieved, and committed to Bridewell.

The King's ſucceſſes in the Weſt.

IMMEDIATELY after the ſurrender of Briſtol, whilſt the King attempted the ſiege of Gloceſter, the Corniſh army had been ſent, under the command of prince Maurice, for the total reduction of the Weſt: Weymouth, Dorcheſter, and Portland-Caſtle in Dorſetſhire, ſurrendered to a detached party of his horſe, commanded by the earl of Caernarvon; whilſt the prince himſelf, after the re-union of his army, entered Devonſhire, and from the earl of Stamford, by capitulation, took poſſeſſion of Exeter. Treachery was a weapon which had been very freely uſed by the

Treachery.

Ann. 1643. King, and ſometimes with great ſucceſs: Almoſt every day produced a plot for betraying into his hands the forts and towns in the poſſeſſion of his enemies *; and as the parliament had at this time no army in the weſtern parts, either to encourage their friends, or by terror to ſecure the wavering fidelity of their ſervants, a plot was now framed by Sir Alexander Carew, knight of the ſhire for Cornwall, to deliver up to the King the fort and iſland of St. Nicholas; the ſecurity of Plymouth depended on this fort, of which Sir Alexander was governor; but the perfidy being timely diſcovered, the governor was apprehended and ſent to London, where he was condemned to death by a court-martial: And as prince Maurice, inſtead of taking advantage of the conſternation which this affair occaſioned, loſt a whole month in the ſiege of Dartmouth, the inhabitants, re-aſſured by a ſupply of five hundred men, with a Scotch commander of reputation, reſolved on an obſtinate defence.

Ann. 1644. Extraordinary efforts of the parliament.

ROUSED with the danger they had incurred by the inactivity of their military operations, and deſirous of putting an end to that diſtraction which had ſo long deſolated the kingdom, the parliament, by the vigo-

* Colonel Hutchinſon, of Nottingham-Caſtle, had an offer from the earl of Newcaſtle of ten thouſand pounds, to be made a lord, and to be continued in the government of the caſtle, if he would deliver it to him for the King. The earl of Crawford dealt in a ſimilar manner with colonel Sydenham, one of the garriſon in the town of Poole; the offer was accepted, and Crawford, with the knowledge of the governor, let into the town, and entrapped in his own ſnare; whilſt the city of Gloceſter, Ayleſbury, Windſor, and other ſtrong places, were in vain attempted with the ſame weapons. *Whitlock.*

rous

rous efforts of this year, ſeemed determined to put a ſpeedy concluſion to the war. With an army in the North under the lord Fairfax, and another under the earl of Mancheſter *, they eſtabliſhed a maintenance for ſeven thouſand five hundred foot, and three thouſand horſe, to be commanded by the earl of Eſſex; and paſſed an ordinance for the four ſouthern aſſociated counties, viz. Kent, Suſſex, Surry, and Hampſhire, to maintain an army of three thouſand ſix hundred foot, twelve hundred horſe, and five hundred dragoons, under the command of Sir William Waller. Ann. 1644. Huſbands's Collections, fol. ed.

POWERFUL as were theſe preparations, they were not all the force the parliament exerted to pluck the laurels from the brow, and cruſh the riſing hopes, of the enemy. It has been already obſerved, that when the cold, treacherous conduct of the earl of Eſſex, at the battle of Edge-hill, had given the King ſuch unexpected advantages as to render motions of accommodation, even on dangerous terms, popular, the leaders of the oppoſition, to withſtand the vigorous efforts of the King's friends towards a ruinous peace, at the ſame time they conſented to a negociation, moved that the Scots, according to the treaty ſubſiſting between the two nations, might be called in to the aſſiſtance of the common cauſe: A declaration from the Scots, of affection and readineſs to ſerve the parliament, it was alleged, would render them ſo formidable, as to oblige the King to conſent to rea- Clar. Hiſt. Thurloe's State Papers. Huſbands's Collections.

* Lord Kimbolton, now, by the death of his father, earl of Mancheſter.

ſonable

Ann. 1644. The Scots called in to the aſſiſtance of the parliament.

ſonable conditions: This advice was too ſalutary to be rejected; and a declaration was ſent into Scotland, of the parliament's confidence that that people would, according to the treaty of amity and alliance between the two kingdoms, the common duty of Chriſtianity, the particular intereſt of their own ſtate, and the obligations they had received from the parliament of England in the eſtabliſhment of their preſent peace, aſſiſt them, if there ſhould be occaſion, againſt the common enemies of the Religion and Liberty of both nations. The Scots were deſired to raiſe ſuch forces as ſhould be ſufficient to ſecure their own borders againſt the attempts of the army of Papiſts, levied by the earl of Newcaſtle in the North of England: And, to engage this bigotted people into a cloſe conjunction with the parliament of England, this aſſembly declared they had embraced, and were reſolved to purſue, the invitation of the Scots to a nearer degree of union in matters of religion and church-government. Theſe inſinuations, which indulged the hopes the Scots had entertained of propagating their mode of religion in every Chriſtian ſtate, with the jealouſy they had conceived that the King would retract all the conceſſions they had extorted from his neceſſities, ſhould he be able to eſtabliſh his authority in England, produced the deſired effect. Loudon (the lord chancellor), with other commiſſioners, was ſent from the conſervators of the peace to the King at Oxford, to renew the offer of mediation, and to petition the calling a parliament. With theſe commiſſioners came the popular eccleſiaſtic Henderſon, employed by the aſſembly of the church of Scotland to preſent a petition

tion to the King, expreſſive of reſentment at the reflections flung on Proteſtants in the marquis of Newcaſtle's declaration, terror at the ſtrength and malice of Popiſh forces in England and Ireland, and which recommended an uniformity of church worſhip and diſcipline, according to the Scotch model; it importunately preſſed the King, on the peril of loſing the hearts of all his good ſubjects, not to withſtand the inclinations of the Engliſh parliament to reformation, and entreated the appointment of a general aſſembly to conſult on the beſt courſe to be taken for the preſervation of religion *. Ann. 1644.

* In the articles of pacification given in by the Scots, they had expreſſed a deſire of uniformity of worſhip in both kingdoms; which being conceived in ſuch general terms as might admit of any ſtandard, it was civilly anſwered both by the King and the parliament. In the treaty with Scotland for the relief of Ireland, concluded March 1642, an article that uniformity of religion ſhould be endeavored between the two kingdoms was admitted, both by King and parliament, on the ſame reaſons. But this deſired uniformity, according to the model of the church of Scotland, being yet at ſome diſtance, the church of Scotland, in anſwer to a declaration ſent them by the Engliſh parliament, expreſſive of apprehenſion of hoſtile oppoſition from the King, and their affection to the reformation both of church and ſtate, ſet forth a declaration, in which they paſſionately deſired the union of the two churches in the ſame worſhip and diſcipline: This produced a return from the parliament, in which the church of Scotland were thanked for their care and zeal for the peace of the church of England, the whole impediment to reformation was charged on the hierarchy, with a reſolution that it ſhould be aboliſhed; and that for this purpoſe, and to ſettle ſuch a government as might be moſt agreeable to God's word, and moſt apt to procure and preſerve the peace of the church at home, and happy union with the church of Scotland, and the reſt of the reformed churches, the parliament did purpoſe to call and conſult with an aſſembly of godly and learned divines. *Ruſhworth*, vol. V. p. 387, *& ſeq.*

Ann. 1644. THIS conduct of the Scots was like a thunder-ſtroke to Charles, who ſtill fondly imagined that his compliance to the demands of that people had entirely attached them to his fortunes. Leſly himſelf, ſays Clarendon, had made great acknowledgments and profeſſions to his majeſty, and had told him, that it was nothing to promiſe him he would never more bear arms againſt him, he would ſerve his majeſty upon any ſummons, without aſking the cauſe. The earl of Calendar, who had been lieutenant-general in the Scots army when it invaded England, had ſo freely confeſſed his former errors, and pretended ſo deep a ſenſe of what he had done amiſs, that a command in the King's army had been offered, and declined on the pretence that it would be penal in Scotland, by ſome clauſe in the act of pacification. The earl of Loudon, and all the reſt who had mis-led the people, were poſſeſſed of whatſoever they could deſire; and the future fortune of that nation ſeemed to depend wholly upon the keeping up the King's power in this.

Clar. Hiſt. vol. II. p. 50, & ſeq.

SUCH were the reaſoning and hopes of the court, notwithſtanding the former offer of mediation, ſo favorable to the authority of the Engliſh parliament, and a former petition delivered to the King by the Scots for uniformity of church-government. But this cajoling people had, on the relations given to them by the King of the differences ſubſiſting between him and his Engliſh ſubjects, returned ſuch expreſſions of affection to his cauſe, and cenſure of the proceedings of his enemies, that he was really perſuaded they could never be brought to act in conjunction

junction with them: But the arrival of this commiſſion, in compliance to the declaration of the Engliſh parliament, and which immediately preceded the Oxford treaty, convinced the King of the vanity of his expectations. He denied the authority of the conſervators, abſolutely refuſed the offer of mediation, and the calling a parliament; and, in anſwer to the petition relative to uniformity, he gave the petitioners to underſtand, they acted out of character when they pretended to direct his conduct; and recommended to them to preach obedience and humility to the people, that they might not be tranſported with matters they did not underſtand, but be diſpoſed to a grateful ſenſe of duty and affection to him. This haughty anſwer, accompanied with a prohibition to the commiſſioners to repair to London, contrary to their earneſt entreaty *, enflamed the jealouſy of the Scots, who regarded the King's high ſtyle, in the preſent uncertain ſtate of his affairs, and the averſion he ſhewed to alter the epiſcopal government of the church of England, as certain preſages of retracting all his conceſſions to them, if, by force of arms, he ſhould prevail over the Engliſh parliament. Ann. 1644.

ACCORDING to the precedent which had paſſed in England, they had obtained of the King an act for

* The Scots complained of it as an infringement of the ſafe-conduct; and the chancellor would have proteſted againſt it in that ſenſe, but was threatened at Oxford, That, if he extorted the King's conſent by ſuch means, a party were reſolved to lie in his way, and cut the whole company off before they were many miles from the town. *Burnet's Lives of the Hamiltons*, p. 216, *& ſeq.*

Ann. 1644. triennial parliaments: A parliament was to meet in Scotland on the firſt Tueſday of June, in the year 1644. It was thought by the Scots, that this would be too late a period to prepare againſt the threatened ſtorm; and for this reaſon they had petitioned the King to call a parliament before the time when they were appointed by law to meet. The requeſt was refuſed on the ſame view of affairs on which it was ſolicited; for as, by an article in the act of pacification, neither kingdom could declare war againſt the other without conſent of their reſpective parliaments, the King and his party thought themſelves very ſecure from another Scotch invaſion till after the time appointed for the meeting of the Scotch parliament, before which interval they hoped to ſubdue the ſpirit of the oppoſition in England. "Whoſoever, ſays Clarendon, believed thoſe people could be contained by any obligations, divine or human, thought it impoſſible any forces could be raiſed there to invade England and diſturb his majeſty till June 1644." Very different were the comments of the Scots on the ſame text: Obligations of gratitude, mutual intereſt, ſelf-preſervation, and the conditions of the late treaty of alliance and amity between the two nations, bind us, ſaid they, to aſſiſt England againſt the attempts of the common enemy to the liberty and peace of both kingdoms *. On the return of the commiſſioners to

* In a declaration of the parliament to the kingdom of Scotland, they call upon them as bound by the particular words of the pacification to aſſiſt them, ſince divers noblemen and others of the kingdom of Scotland had joined themſelves to the papiſtical and prelatical party, and riſen in arms againſt them, without the conſent of the parliament of Scotland. *Ruſhworth*, vol. V. p. 467.

Edin-

Edinburgh, with the King's refuſal to all their de- Ann. 1644.
mands, it was determined, in a joint meeting of the council, the conſervators of the peace, and the commiſſioners for public burdens, that there was a neceſſity to put the kingdom into a poſture of defence, and that, to this purpoſe, a convention of eſtates ſhould be ſummoned to meet on the twenty-ſecond of June 1643*. The chancellor had orders to this effect, and a letter of advice was written to the King. Charles was at firſt determined abſolutely to forbid the meeting; but, on the reaſoning of the marquis of Hamilton, and other his friends in Scotland, who repreſented that his authority would be brought into contempt, and the meeting kept in defiance of the prohibition, he gave way to the neceſſity of the occaſion; but limited the concluſions of the aſſembly to the ſupplying the wants of the Scottiſh army in Ireland, the preſſing a ſpeedy payment of the remainder of the brotherly aſſiſtance-money due from England, and quieting the jealouſies and fears of his ſubjects. When the aſſembly met, they voted themſelves a free convention, not to be reſtrained by the King's limitations.—And this was the ſituation of affairs in Scotland, when, immediately after the defeat of Sir William Waller's army, and other ſucceſſes of the King, a committee from the parliament of England was ſent down to invite the aſſiſtance of the Scots. Committees were immediately appointed to conſult and treat with them,

* A convention of eſtates is a court made up of all the members of parliament, and called, upon urgent occaſions, without the formalities uſed in calling parliaments, veſted with authority to raiſe money or forces, but without the power of making or repealing laws.

Ann. 1644. both out of the convention of eſtates and general aſſembly of the church, which had been called and met at the ſame time. A new ſolemn league and covenant was framed between the three kingdoms of England, Scotland, and Ireland; which, abjuring indifference and neutrality, bound the ſubſcribers to mutual defence againſt all opponents; to endeavor, without reſpect of perſons, the extirpation of Popery, prelacy, ſuperſtition, hereſy, ſchiſm, and prophaneneſs; to maintain the rights and privileges of parliament, with the King's perſon and authority; to diſcover and bring to juſtice all incendiaries and malignants; to preſerve the reformed religion, eſtabliſhed in the church of Scotland; and to endeavor the reformation of the church of England and Ireland, in doctrine, worſhip, diſcipline, and government, according to the word of God, and the example of the beſt reformed churches. Sir William Armyn, Sir Henry Vane the younger *, Thomas Hatcher, Henry Darley, with Nye and Marſhal (two eccleſiaſtics of authority) were the perſons employed in this important commiſſion †: But to Sir Henry Vane, the moſt conſummate politician of this fruitful age, was alone confided the conduct of the negociation. It was by his perſuaſion that this covenant, ſo calculated to inſpire the ſubſcribers with zeal and unanimity, was

* Son to Sir Henry Vane, the late ſecretary of ſtate.

† The lord Grey of Werk had been appointed by the Lords to be one of the commiſſioners, but, on timid motives, declining to obey the order, was impriſoned by the authority of that houſe, and deprived of his commiſſion of lieutenant-general of the army under the earl of Eſſex. *Parl. Hiſt.* vol. XII. p. 335.

framed;

framed; by his addreſs the reformation of the churches of England and Ireland was couched in general terms, and the Scots perſuaded to regard the expreſſion as free from ambiguity. The convention of eſtates ordered this covenant to be univerſally taken, under the penalty of confiſcation, beſides what farther puniſhment it ſhould pleaſe the enſuing parliament to inflict *. Nor did it fail of meeting with equal ſucceſs in England, where, after the approbation of an aſſembly of divines †, which had been called together by the authority of parliament ‡, it Ann. 1644.

* On the King's ſending a prohibition to his Scotch ſubjects to take the covenant, they returned, in anſwer with reaſons for their conduct, an advice to the King to take it himſelf.

† "What had become of the religion, laws, and liberties of our ſiſter nation of Scotland, ſaid an Exhortation ſet forth by the aſſembly of divines, if they had not entered into ſuch a ſolemn league and covenant at the beginning of their troubles; which courſe, however it was at firſt, by the Popiſh and prelatic projectors, repreſented to his majeſty as an offence of the higheſt nature, juſtly deſerving chaſtiſement by the fury of a puiſſant army, yet, when the matter came afterwards in cool blood to be debated, firſt by commiſſioners of both kingdoms, and then in open parliament here, when all thoſe of either houſe who are now engaged at Oxford were preſent and gave their votes therein; it was found, adjudged, and declared, by the King in parliament, That our dear brethren of Scotland had done nothing but what became loyal and obedient ſubjects, and were thereupon, by an act of parliament, publicly righted in all the churches of this kingdom where they had been defamed." Beſides this authority, others were quoted from prophane and ſacred hiſtory: The covenant taken by the Jews, by the perſuaſions of Ezra and Nehemiah, without ſpecial commiſſion from their ſovereign, the Perſian monarch; the combination of the provinces of the Netherlands againſt the unjuſt violence of Philip of Spain, juſtified and defended by queen Elizabeth.

‡ This aſſembly of divines and the commiſſioners of the church of Scotland joined in a letter to the reformed foreign churches, in which they

Ann. 1644. was taken unanimouſly by both houſes, and afterwards by the whole party. An hundred thouſand pounds were raiſed by loan from the city, and ſent down to Edinburgh, according to agreement made with the Scots, who, after the three firſt months ſervice, were alſo to be allowed thirty thouſand pounds a month during the time they were in the employ of the parliament *.

No means were left unattempted by the King, either to divert the Scots from their intention to aſſiſt the Engliſh parliament, or to prevail on them to lend their arms to the ſupport of his intereſt; but in vain were they flattered with aſſurances that all offices and places at court ſhould, every third time, be filled with Scotſmen: Charles's inſincerity, his prejudices in regard to civil and religious policy, his unconcealed averſion to Preſbytery, his acknowledged paſſion for prelacy, combated in the Scots every ſelfiſh

they vindicated the party in oppoſition to the King, on the grounds of danger to their civil and religious liberties from the turbulent conduct of the Papiſts, and the prevalency of their counſels at court. *Ruſhworth*, vol. V. p. 371.

* The parliament articled to repay to Scotland, out of the eſtates of Papiſts, prelates, and malignants, all the expences of the war. By the conditions of this treaty, the public faith of both kingdoms was to be jointly given for the preſent taking up two hundred thouſand pounds ſterling; no ceſſation nor pacification was to be made, without the mutual advice and conſent of both kingdoms; the kingdom of England obliged itſelf to aid and aſſiſt the kingdom of Scotland, in the ſame ſtraits and extremities, and to employ eight ſhips to defend its coaſts during the time the Scotch army was in their employ. *Thurloe's State Papers*, vol. I. p. 29, 30.

allure-

allurement. Has not the King eminently ſhewn, ſaid Ann. 1644.
the Scotch covenanters, that he values royal power more than the honor of his word, than peace, than ſafety, or the blood of his countrymen? Will not a ſtrong ſenſe of his ſuppoſed intereſt, his paſſion for power, his veneration for prelacy and religious ceremonies, lead him to retract all his conceſſions, to break through thoſe limits which he regards with an indignant eye, and invade a church which he conſiders as anti-chriſtian and unlawful? When backed with power, it will be an eaſy matter to find diſtinctions to eſcape engagements: Beſides, if the putting down epiſcopacy is ſinful according to the King's conſcience, that alone will furniſh him with a reaſon to overturn the fabric we have raiſed with ſuch expence and danger, ſince men are not bound to obſerve ſinful promiſes. Is not his party compoſed of Papiſts, prelates, lovers of prelacy, malignants, all of them zealous enemies to us, and the civil and religious liberties of our country *? On the other ſide, let us examine the merits of thoſe men who

* Beſides the ſecurity of the preſent religious and civil government of the country, thoſe very people who had in a manner forced themſelves into the adminiſtration of affairs in Scotland, had great reaſon not only to fear the loſs of their preſent power, but to be called to an account for paſt tranſactions, ſhould the King prevail over their friends in England; the condemnation of the one would naturally lead to that of the other. Edward Hyde, the King's ſpecial confidant, afterwards created lord Clarendon, is full of theſe kind of invectives againſt them; and the King himſelf, in his anſwer to the Scots declaration, cannot forbear expreſſing his opinion of the original guilt of thoſe who occaſioned or encouraged the firſt commotions in Scotland. *Clar. Hiſt. Ruſhworth*, vol. V. p. 494, *& ſeq.*

conſtitute

Ann. 1644. conſtitute the parliament of England: Have they not ſaved us from the deſtruction which awaited us, by oppoſing all war with us? have they not puniſhed the authors of our oppreſſions? have they not obtained us the redreſs of our grievances? and have they not, with friendly and honorable expreſſions, conferred on us an ample reward for fighting our own quarrels? Not to mention our ſecurity *, will not the baſe deſertion of our munificent benefactors ſtain the annals of our country with ingratitude to man and God? Can we make a more grateful return to heaven for the diſtinguiſhed favor of a purer light, than by conveying the ſame to our diſtreſſed neighbors and patrons, who, at the laviſh expence of oceans of their blood, are making ſuch laudable efforts to obtain it? Theſe were the arguments urged againſt what the King's friends advanced in his favor; they were univerſally the topics of converſation, and almoſt the only doctrine preached from the pulpit. But it was not with words only the Scots at this time endeavored to return the infinite obligations they had received from the Engliſh parliament: By the means of an hundred thouſand pounds, received from England, levies of men and horſe were raiſed with all

* "Experience hath taught us, ſaid a remonſtrance of the general aſſembly to the eſtates, what influence Popery and prelacy have in England; from thence came the prelates, the ceremonies, the ſervice-book, the book of Common-Prayers, and, upon our refuſal, the bloody ſword came from thence. If we ſuffer the parliament of England to be cut off, we have loſt our peace with England; if the Popiſh and prelatical faction do over-rule the parliament, we may expect war both from King and parliament, whereunto they will not want pretences."

poſſible

poſſible diſpatch; their troops recalled from Ireland *; Ann. 1644. and, about the end of the year 1643, they were ready, with an army of one and twenty thouſand men, to enter England.

THE duke of Hamilton, and his brother the earl of Lanerick, had been ſent into Scotland by the King to counteract the meaſures of his enemies; but wanting ſufficient authority and influence to oppoſe the torrent of the times, after diſclaiming the convention as a free convention, and refuſing to take the covenant, they fled for ſhelter to the court at Oxford; where they found the King ſo enraged at the diſappointment of the hopes he had conceived from their influence and endeavors, that, on their arrival, they were confined to their own lodgings; and within a few days the duke of Hamilton, after receiving the copy of a long charge, compoſed of general invective aſſertions, by way of an impeachment, wherein, amongſt other articles, he was accuſed of ſetting on foot a title to the crown of Scotland, was ſent a cloſe priſoner to the caſtle of Pendennis. The earl of Lanerick eſcaped from his confinement, and fled to London, from whence he returned to Scotland.—It was the cautious moderation of the two brothers' conduct which had drawn on them this extraordinary treatment from the King, after ſo many repeated marks

* The commiſſioners ſent down to Edinburgh to conclude a treaty with the Scots had declared, in the name of the parliament, that they were no longer able to continue the charge of the army in Ireland. *Thurloe's State Papers*, vol. I. p. 18, *& ſeq.*

Ann. 1644. of his favor, who, whilſt they had expoſed themſelves to the reſentment of the covenanters, from their inflexible adherence to the prerogatives of the crown, had oppoſed the wicked counſels of the earl of Montroſe and his party, as meaſures which would bring diſhonor on the King's character, and a ſpeedier ruin on his fortunes. The duke of Hamilton, the earl of Montroſe, and the earl of Aboyn, had all of them an interview with the queen at York, immediately after her arrival from Holland: Montroſe and Aboyn repreſented the neceſſity of getting the ſtart of the enemy, and raiſing forces in Scotland, to prevent the Scots from joining with the Engliſh parliament: Meaſures of violence were oppoſed with warmth by the duke of Hamilton, both on their inefficacy, and the injury it would do the King's fame; who having, he ſaid, ſo often and ſo lately, in his letters and declarations, proteſted he was reſolved unalterably to adhere to the late ſettlement, ſhould he now authoriſe the firſt breach, it would bring an indelible ſtain upon his honor, and create a perpetual diffidence in his ſubjects of all his conceſſions and aſſurances. Beſides, the ſcheme of force propoſed by Montroſe, he added, was a romantic conceit, from whence no rational hope could be derived: The King had neither ſtrength in Scotland, nor a caſtle to which his party might retire: The gathering together, therefore, of the gentry who eſpouſed his cauſe would ſerve for no uſe, but would expoſe their throats to the enemies' rage, and his majeſty's authority to their hatred and ſcorn. Theſe objections being too ſtrong to be combated by Montroſe, the ſcheme of force, to his great diſ-

Carte's Life of Ormond.

diſſatisfaction, was laid aſide, and the Scotch noble- Ann. 1644.
men who adhered to the King were ſent down to Scotland to endeavor to prevent, or at leaſt to retard, the Scotch invaſion till the preceding year. Biſhop Burnet, in his Lives of the Hamiltons, ſays a retardment was effected by the marquis, and that he had frankly owned, both to the King and queen, that this was all he ſhould be able to perform. Certain it is that the King, perſuaded he was the man who could ſerve him beſt in Scotland, either to ſpirit him up to more vigorous endeavors, or to reward him for ſuppoſed ſervices, ſent him, at this time, with many expreſſions of affection and gratitude, a patent for the title of duke *. Theſe marks of royal favor and confidence excited an high degree of envy in the earl of Montroſe, who, according to the example of Ireland, had propoſed a general maſſacre of the covenanters (being no leſs than four-fifths of the kingdom) or to take up arms, and declare the members of the convention rebels: The firſt expedient was rejected with horror by Hamilton; and as to the ſecond, he propoſed, on the pretence of attending a funeral, to try what numbers the royaliſts could bring into the field. The thinneſs of the appearance convincing

Burnet's Lives of the Hamiltons, p. 247.

* It was at this period, and not when the King was in Scotland, the marquis was created a duke.—Among the ſervices he performed for the King, was the procuring an invitation to be ſent from Scotland to the queen to take ſhelter in that kingdom, and from thence mediate between the King and the Engliſh parliament. Charles rejected this opportunity, which might have inſenſibly engaged the Scots in the quarrel of the court, and ſhewed a diſtruſt which ſerved to encreaſe the jealouſy that nation had entertained of him. *Burnet's Lives of the Hamiltons*, p. 195, *& ſeq.*

Ann. 1644. the party of the wildneſs of Montroſe's project, and that nothing could at this time be effected to ſtop the progreſs of the covenanters *, Hamilton and his brother, who had expoſed themſelves to the rage of the party, retired to the court at Oxford, where, through the malicious repreſentations of Montroſe and his friends, they met with the treatment which has been above related.

The King has recourſe to the Papiſtical party in Ireland.

Ruſhworth. Huſbands's Collections. Carte's Life of Ormond. Borlaſe. Temple.

As the parliament of England had in their diſtreſſes ſought ſuccor from their Preſbyterian brethren of Scotland, ſo the King had recourſe to his Popiſh friends in Ireland. It has been already obſerved, that a contract had been formed between the ſtates of England and Scotland for ſending over an army of ten thouſand Scots into Ireland. Theſe troops, in number ſufficient to have totally ſubdued the northern rebels, and, with the aſſiſtance of the Engliſh army, to have made a new conqueſt of the iſland, wholly directing their conduct to the objects of ſafety and gain, had been of little other ſervice than protecting, in the northern parts of Ireland, the ſmall remaining remnant of Britiſh planters, and had encreaſed the diſtreſſes of the country by plundering it of large quantities of cattle, which they tranſported into Scotland †.

* The earl of Newcaſtle had refuſed to ſpare the Scotch royaliſts arms or ammunition, or to ſeize on Berwic, without a commiſſion for it under the great ſeal, it being contrary to the articles of the late treaty. *Burnet's Lives of the Hamiltons*, p. 242.

† On the landing of two thouſand five hundred Scots in Ulſter, Carrickfergus, one of the ſtrongeſt towns in the North of Ireland, was, according to articles, to be immediately put into their hands; they

Ann. 1644. Affairs of Ireland.

THE military operations were much impeded by the diſcord and ſuſpicion which raged between the

they were to enlarge their quarters as they ſhould ſee fit, and the forces in the province of Ulſter, which ſhould join them, were to receive their orders from the Scotch commanders. When the auxiliary army amounted to ten thouſand men, Colerain was likewiſe to be delivered up to them; ten troops of the Engliſh horſe in that province to be joined to them, and to be ſubject to the Scotch general, who was alone accountable to the King and the two houſes of parliament in England: Moreover, if the Scotch troops ſhould, on any occaſion, join with the lord-lieutenant and his army, their general was only to cede to the lord-lieutenant, but was to precede all others, and was alone to give orders to the officers of his own army.—Of theſe conditions, which nothing but the neceſſities of the occaſion can excuſe, the Scots made an ungenerous and ſhameful advantage. Two thouſand five hundred Scots, under the command of Monroe, were joined by eighteen hundred Engliſh foot, five troops of horſe, and two of dragoons: The rebels fled before this powerful junction; but when Sir Henry Tichbourn preſſed that they might be vigorouſly purſued, Monroe refuſed, and returned from Newry to Carrickfergus, waſting the country in his way, and taking a prey of four thouſand cattle, beſides other goods, which were entirely divided among the Scots. His next expedition was to the county of Antrim, which he waſted and plundered of five thouſand cows, but without attempting any thing againſt the rebels, who, having had time given them to gather together, were worſted in a ſharp action by Sir William and Sir Robert Stewart. Monroe not only refuſed the lord Montgomery, who had joined him with ſeven hundred foot and three troops of horſe, to purſue the rebels into the county of Ardmagh, and force the caſtle of Charlemont, but prevented him and the lord Conway from going on that expedition, on the pretence that the Scots only were to make the war in Ulſter, the earl of Levin having ſent poſitive orders that no man ſhould beſiege any place, nor garriſon any town of Ulſter, but by the permiſſion of the Scotch commanders. Such quantities of cattle were tranſported into Scotland by theſe rapacious auxiliaries, that the lords juſtices complained to the commiſſioners for Iriſh affairs, appointed by the parliament of England, that they would, in a ſhort time, totally exhauſt the province of Ulſter. *Carte*, vol. I. p. 308, *& ſeq.*

lords

Ann. 1644. Carte, vol. I. p. 285, &seq. Borlase. Rushworth.

lords justices and the earl of Ormond; whilst, either through connivance with the Popish and malignant party, or through an unpardonable inactivity, the forces in Connaught, sufficient to subdue the province, were kept by their commander (the earl of Ranelaugh, lord president of the province) totally idle, till they were almost entirely vanquished and consumed by short and unwholesome commons. Notwithstanding these obstructions, the English, in frequent encounters, with disadvantage both of situation and numbers, put the Irish to rout. The siege of Drogheda was raised, and the rebels, after the loss of many of their men, left the neighborhood of the capital, and, dispersing themselves, fled for safety to the North. Constant ill success, with the disappointment of the recruits of men and money which had been promised from foreign states, occasioned the chiefs of the English pale to move for a cessation, and a licence to meet together and draw up their grievances, to be presented to the King: But this request, which indicated no degree of penitence, and which was made after the adventurers act had passed in England, was unnoticed by the justices *. The Irish

* The administration of Ireland has been so generally condemned by the Popish writers, and the abettors of the prerogative and Popish interest, that it may not be improper to make some observations on a conduct which the Irish Papists, and particularly the English Irish, have improved to a kind of justification of their guilt. "Our governors, say they, by wilfully mistaking a trifling insurrection in the North of Ireland for a general rebellion of the whole Papistical body, forced us, by the irresistible principles of self-preservation, to have recourse to arms, and thus to fall into the net they had prepared for us." We will not animadvert on an assertion which carries with it a palpable contradiction, since to have remained quiet would have been the sure means of escaping such cobweb snares, but, proceeding to examine the conduct of the state of Ireland on the breaking out of the rebellion, search how far it is grounded on truth.

In the letter to the earl of Leicester, lord-lieutenant of Ireland, which conveyed intelligence of the design against the castle of Dublin, and Macmahon's evidence, the justices and council express an hope that the English of the pale and other parts will continue constant to the King in their fidelity, as they had done in former rebellions: "If it so fall out, say they, that the Irish generally rise, which we have cause to suspect, then we must of necessity put arms into the hands of the English of the pale to fight for themselves and the state." What is mentioned in this letter was actually put in practice: Arms were delivered to several of the Popish gentry and nobility, with commissions to command and raise forces to preserve the peace of the several counties, and a power to execute martial law; nay, to such lengths did the justices carry their endeavors to conciliate the affections of the pale, that, on a captious objection to their proclamation on the discovery of the plot, they published another, which explained the expression, "some evil-affected Irish Papists," to mean only the Papists in the North of Ireland; and, that they might not irritate the malevolent disposition of the Papists, when the safety of their own persons and the city of Dublin was in danger, no check was given to the confident resort of great numbers of lords and gentlemen, who, in a few days, openly joined the rebels; no punishment was inflicted on those who disobeyed a proclamation for the discovery and removal of all such as should come and continue at Dublin, without just cause; and several persons who had given grounds for suspicion, and others convicted of seditious language, were left at large. To such lengths did the lenity of the state proceed; till the pale, finding themselves defeated of their purposes of seizing the power of the government by the prorogation of the parliament, flung off the mask, and, after betraying a party of the Protestant troops at St. Julian's Town-Bridge, openly joined themselves to the northern rebels, who had already gained considerable strength by their more secret concurrence. —"We formerly signified to your lordship, says a letter from the state of

chieftains having agreed that it was impossible to make a defence, had determined to fly the country; the Ann. 1644.

Ann. 1644. Engliſh of the pale, deſtitute of any hopes of ſuccor, were almoſt driven to ſue for mercy to an enraged

of Ireland to the earl of Leiceſter, dated the fourteenth of December 1641, that, to take away all jealouſy from the Papiſts of the Engliſh pale, we would furniſh them with ſome arms; and the rather becauſe we well knew, that, in the laſt great rebellion in Ireland, the Engliſh pale ſtood firm to the crown of England, and that the rebel Tyrone, in the height of his power and greatneſs, was never able to get into the pale with his forces, whilſt he was in rebellion: And upon this occaſion, the noblemen and gentlemen of the pale making deep profeſſions of their loyalty to his majeſty, in imitation of their anceſtors, and with expreſſions ſeeming to abhor the contrivers of this rebellion, againſt whom they offered their power and ſtrength, ſo as they might have arms; and we being well aſſured that, if we could gain their concurrence, it would much facilitate our work, we did, at their earneſt ſuit, iſſue for them arms for one thouſand ſeven hundred men, wherewith divers companies were armed by them, and ſome of themſelves were appointed governors of the forces of the county and captains of their companies. But ſo many of thoſe companies revolted to the rebels, and carried away their arms with them, that we have recovered but nine hundred and fifty arms; ſo as thoſe whoſe loyalty we had reaſon to expect would help us, are now turned againſt us, and are ſtrengthened with our own arms; and, without all queſtion, if thoſe of the Engliſh pale had done their parts as became good ſubjects, with the arms they had from us, and thoſe they might have gathered among themſelves, they might, with our help, not only have defended the pale againſt the rebels, but might alſo have prevented the ruin and deſtruction wrought by their tenants and neighbors on the poor Engliſh and Proteſtants among them; for the noblemen and gentry ſat ſtill and looked on, whilſt the Engliſh and Proteſtants were ruined before their faces, the Papiſts in the mean time remaining ſecure, without the loſs of goods or any thing elſe."——"The rebels in the pale, as in other parts, ſays another paragraph in this letter, have cauſed maſſes to be ſaid openly in the churches, expelled the miniſters from officiating in their churches, and forced divers perſons, for the ſaving their lives and goods, to become Papiſts, openly profeſſing that no Proteſtant ſhall be ſuffered to live in Ireland. And whilſt they inſult thus over all the Engliſh and Proteſtants, deſtroying them for no other reaſon but for that

ſtate; Popery was on the point of being totally ſub- Ann. 1644.
dued in Ireland; when the faction were relieved from

that they are Proteſtants and Engliſh, we let fall nothing againſt them touching religion; and yet they feign things againſt us tending that way, to give ſome color to their cruel proceeding."

As, on the one ſide, it cannot be contradicted that the rebellion became general without any eſſential provocation, and that the rebels themſelves, in their remonſtrances, declare their chief incentive to arms to be the eſtabliſhing their beloved tyranny and ſuperſtition, neither, on the other ſide, can it be denied that ſeveral of the Iriſh adminiſtration, warmed with reſentment at the ſufferings of their Proteſtant brethren, and anxious to prevent for the future the like melancholy effects of Popiſh zeal and ſuperſtition, diſcouraged every motion of accommodation, or yielding any terms to ſuch perfidious citizens. That the men who propoſed taking the utmoſt advantage of a general forfeiture ſhould be odious to the aggrieved party, is a very natural circumſtance; but whether they have deſerved the cenſure they have on theſe grounds met with, or whether they may not be defended on motives of ſound and juſtifiable policy, is worthy the attention of hiſtory.—The great favor which, in former rebellions, had been ſhewn by the crown to the Iriſh Papiſts, had encouraged continual attempts to fling off a Proteſtant government. King James, either from motives of fear, or predilection to the profeſſors of Popery, had neglected the advantage which occurred from the general rebellion ſubdued in the latter end of queen Elizabeth's reign; and returned to the Papiſts a fourth part of the land they had forfeited by an after rebellion to his government. It is manifeſt the Iriſh maſſacre was the offspring of theſe improvident indulgencies; a conſideration which, with the formidableneſs of the number, power, and riches of the Iriſh Papiſts; the mercileſs cruelty ſhewn by that ſect in all parts of the world, and from the beginning of ſeparation, to their Proteſtant ſubjects; their never-ceaſing attempts, by every kind of mean, to bring all things again to ſubjection to the church of Rome; their avowed maxim, that faith is not to be kept with heretics; their religious principles, calculated for the ſupport of deſpotic power, and inconſiſtent with the genius of a free conſtitution; do they not more than juſtify, on the grounds of ſelf-preſervation, the protection of ſociety,

Ann. 1644. their deſpair by an expreſs from Owen O'Neale, that, after a long paſſage by ſea from Dunkirk, round the

ciety, and the ſecurity of Liberty, the moſt active efforts which the men truſted with the management of the government could make to prevent the Iriſh Papiſts from recovering the power and influence they by law had forfeited?

Some of the Iriſh land-holders who had been indicted for high-treaſon were tried in a legal courſe, after having, in obedience to a proclamation from the King, ſurrendered themſelves to the ſtate. This has been repreſented under the color of a notorious breach of faith, though the proclamation makes no mention of pardon on the merits of ſuch a ſurrender. But let us hear the juſtices themſelves on this ſubject: "Some gentlemen, ſay they in a letter to the lord-lieutenant, have rendered themſelves to the King's juſtice; many others have deſired protection; and very many, even of the beſt rank, have endeavored to make ſubmiſſions: But we think it neceſſary to obſerve, that the ſtate of Ireland has been too indulgent to the Iriſh in former ages, has too eaſily received ſubmiſſions and granted pardons to rebels; whereas, if the frequent opportunities offered by rebellions had been improved, ſuch reformation might have been made in the kingdom as would have prevented the preſent general deſtruction fallen upon the Britiſh." They proceed to obſerve, That the ſubmiſſions offered by the rebels were purely the conſequence of their diſappointments, to work their own preſent eaſe, and prevent the ſending over farther ſupplies from England; that if, after ſuch a ſeries of rapine, cruelty, and bloodſhed, they could wipe out their crimes by making ſubmiſſions, they would be emboldened to attempt the like again, to the continual unſettlement, if not deſtruction, of the kingdom.

The diſcouraging treaties with the rebels, and the endeavoring to keep clear of all engagements or connections with thoſe who had actually joined, or even communicated with them, has drawn on the juſtices and their party in the adminiſtration, as is obſerved above, the moſt opprobrious terms of abuſe: But whether a conduct in which they were ſupported by the opinion, and even the authority, of the Engliſh parliament; a conduct which was agreeable to the ſentiments of all the ſtaunch Proteſtants of thoſe times; a conduct juſtified by the principles of ſelf-preſervation, and excited by indignation at the recent

North of Scotland, he was landed in the county of Donnegal, with a number of veteran officers, his own regiment of ſoldiers, and a great quantity of arms and ammunition; that he had ſent a ſhip with ſupplies to Wexford; and that, ſince his landing, he had taken poſſeſſion of Caſtle-Doe. Owen O'Neale was ſoon followed by a ſecond and larger reinforcement, under the commands of the colonels Preſton, Cullen, Synnot, Pluncket, and Bourk *. And thus, through the unpardonable conduct of the Engliſh parliament, in neglecting to guard the ports of Ireland, the rebels were relieved from their ſtate of deſperation, and the war rekindled †. Ann. 1644.

recent acts of unprovoked cruelties, committed by the Papiſts; whether it deſerves commendation or blame is left to the judgment of this candid age. *Carte's Life of the Duke of Ormond. Nalſon*, vol. II. p. 912, *& ſeq.*

* This reinforcement conſiſted of a good number of engineers, and fourteen veſſels laden with arms, ammunition, and veteran ſoldiers and officers; cardinal Richelieu having on the occaſion diſcharged all the Iriſh forces in the French ſervice.—The Engliſh parliament have been blamed, by their opponent writers, for not ſuffering a large tranſportation of the Iriſh army into the ſervice of the Spaniſh court; but this ſupply which the rebels received of experienced ſoldiers, and without which they could not have carried on the war, fully ſhews the wiſdom of that council, and that it would have been ſafer for the Proteſtant intereſt if that diſaffected people had never been trained up to the uſe of arms in the ſervice of Popiſh princes. The prohibition of parliament was not entirely complied with: Borlaſe ſays, that the colonels John Barry, Garret Barry, Taaffe, and Porter, had warrants to tranſport four thouſand men to Spain, and the inſurgents gathered together on the pretence of conveying ſoldiers out of the kingdom. *Temple. Borlaſe.*

† The ſhips which were appointed to guard the coaſt of Ireland being commanded by perſons devoted to the King, he had withdrawn them

Ann. 1644. THE recruits which the Iriſh rebels had received did not rouſe the Scots from their inactivity: They were ſuffered to form themſelves into regular armies, and, according to a ſynodical act of the eccleſiaſtics in May 1642, a general aſſembly of laity and clergy met at Kilkenny on the twenty-fourth of October, where, after declaring they did not intend to intrench ſo far on the prerogatives of the crown as to call that meeting a parliament, they ſettled judicatories for the adminiſtration of juſtice, and the regulation of their affairs. A council was eſtabliſhed for each county, conſiſting of deputies for baronies, or, where there were no baronies, perſons elected by the county in general; from the county council there lay an appeal to a provincial council, conſiſting of two deputies from each county; and from this again to the ſupreme council, conſiſting of twenty-four perſons to be choſen yearly by the general aſſembly. Civil magiſtrates, generals, and ſubordinate military officers, were to be ſubject to this council, who were to hear and judge in all cauſes except in titles to land, to determine all matters relative to the good of the confederacy, and whoſe acts were to be of force till reſcinded by the general aſſembly *.

them from that ſervice, and thus left the Iriſh coaſt expoſed; but as the greater part of the navy was under the command of the parliament, the not ſparing a few ſhips on this important ſervice is to be reckoned among their errors. *Borlaſe*, p. 83.

* The general aſſembly framed for their uſe a great ſeal, bearing the mark of a long croſs, on the right ſide of which was a crown and a harp; on the left, a dove above and a flaming heart below, ſurrounded with this inſcription, "*Pro Deo, pro Rege, & Patria Hibernia unanimis.*—Among other acts of authority, they coined money, and, in honor

THE general aſſembly having thus founded their form of government, proceeded to appoint provincial armies and generals: Owen O'Neale was made general of the Ulſter army, Preſton of the Leinſter, Garret Barry of the Munſter, and John Bourk of the Connaught army. To prevent the dangers which muſt enſue from diſunion, it was provided, That no diſtinction nor compariſon ſhould be made between the old and new Iriſh, and that all perſons of the confederacy ſhould be bound together by a new oath of aſſociation, which preſcribed true allegiance to the King; the maintaining his prerogatives, the power and privileges of the parliament in Ireland, and the fundamental laws of the kingdom; the upholding the free exerciſe of the Roman-Catholic religion throughout the land, the lives, liberties, eſtates, and rights of all thoſe who took and performed the con- Ann. 1644.

honor of St. Patrick, to whom they intended to inſtitute an order of knighthood, a halfpenny, bearing on one ſide the figure of a king, crowned with a radiant crown, kneeling and playing on a harp, over which is placed the imperial crown of England, with this inſcription, "*Floreat Rex*;" on the reverſe, the figure of St. Patrick mitred, ſtanding with a croſier in his right hand, and a leaf of trefoil in his left, extended to people round him; on his left ſide is the arms of Dublin, with this inſcription, "*Ecce Grex.*" A farthing was alſo ſtricken much about the ſame time, bearing on one ſide the figure of a king crowned, playing on the harp, with a crown over it, the inſcription, "*Floreat Rex*;" the reverſe, St. Patrick mitred, with a church behind him, he holding in his left hand a double or metropolitan croſs, and ſtretching out his right over a parcel of ſerpents, as if driving them out of the church, with this inſcription, "*Quieſcat Plebs.*" It is ſaid, that there are ſtill preſerved by the curious ſome few ſilver pieces, bearing the ſame impreſſions and inſcriptions as theſe copper ones. *Simons's Eſſay towards an Hiſtorical Account of Iriſh Coins.*

tents

Ann. 1644. tents of the oath; obedience to the orders of the ſupreme council; not to ſeek pardon or protection for any act touching the cauſe, without the conſent of the council, nor to conſent to any peace made without the conſent of the general aſſembly. Propoſitions were drawn up, which inſiſted that the Popiſh religion ſhould be as freely and publicly exerciſed, with as full luſtre and ſplendor, as before the Reformation; that all the laws of reſtraint, penalty, fine, or incapacity, laid upon Papiſts, ſhould be repealed by parliament; that the clergy ſhould enjoy their ſeveral juriſdictions and immunities in as ample a manner as before the Reformation, with the churches and church-livings, their profits and emoluments, as largely as they were enjoyed by the Proteſtant clergy before the rebellion. Theſe propoſitions, which annihilated the Reformation, and in a manner extirpated the Proteſtant religion, the confederates, by their oath of aſſociation, were bound to maintain until a peace was eſtabliſhed and ſecured by the authority of parliament. The kings of France and Spain, the Pope, and the emperor of Germany, were ſolicited for farther ſupplies; and petitions ſent to the King and queen of England for the aſſignment of a place where they might with ſafety expreſs their grievances,* and his majeſty with freedom apply a ſeaſonable cure unto them *.

* In theſe petitions the Papiſts profeſs, That they never intend to diſturb the King's government, or invade his high prerogatives; term their unparalleled barbarities "ſome unwarranted cruelties, acted by the commonalty upon Puritans, or perſons ſuſpected of Puritaniſm;" and offer, on a conceſſion to their demands, to convert their forces upon any deſign the King ſhould appoint.—The contemplation of the queen's goodneſs, they ſaid, her compaſſionate care of diſtreſſed Catholics, her intereſt in the ſettlement of the kingdom, and the felicity in point of religion which all the nations of Europe had received by the alliance of their princes with the royal houſe of France, had induced them to implore her Eſther-like interceſſion to their moſt gracious prince, that he might ſettle their religion and liberties as he had done thoſe of his other kingdoms. *Clanrickard's Memoirs*, p. 298, *& ſeq.*

Whilst the Papiſts were thus buſy in planning their military ſchemes, and forming their civil plan of government, the parliament of Ireland met at Dublin on the firſt of Auguſt. In a preparatory meeting, held in June, the houſe of Commons had expelled all their members who were engaged in actual rebellion, or who ſtood indicted of treaſon; and had made an order that no perſon ſhould ſit in their houſe, either in the preſent or in any future parliament, till they had firſt taken the oath of ſupremacy *. —To prevent the danger which the Proteſtants daily ran from a multitude of Popiſh inhabitants which crouded the capital, conſumed proviſions, and conveyed intelligence to the enemy, both houſes, in a petition to the King and parliament of England, requeſted, That bills might be tranſmitted from England, containing all the laws in that country of force againſt Popiſh recuſants, to be enacted into laws for Ireland, and immediately executed in Dublin; and, for the greater ſecurity of the Iriſh Proteſtants and their poſterity, that they would grant them farther laws and proviſions. Theſe bills were not re- Ann. 1644.

* Carte, a prerogative-writer of ſome note, is abſurd enough to repreſent this juſt and neceſſary excluſion as an improper encroachment on the power of the crown. *Carte*, vol. I. p. 328.

mitted

Ann. 1644. mitted when the parliament re-met, according to adjournment, on Auguſt the firſt.

THE draught of an act to ſuſpend a part of the ſtatute called Poyning's Act, concerning acts to be paſſed for the aboliſhing Popery, and the attainder of the rebels, was recommended by the Commons to the Lords, who ſeemed very well diſpoſed to receive it,* till the earl of Ormond, lately gratified with the title of marquis *, who had all his relations in the rebellion, and who on many occaſions had favored the Popiſh faction, flung in an objection to the proviſo for ſuſpending part of Poyning's Act, as touching the independency of the kingdom, the proviſo having noticed an act paſſed in England for diſpoſing of lands in Ireland. The bill was returned on this objection, and the Commons finding a difficulty in removing it, the buſineſs was no farther proceeded on; and the juſtices prorogued the parliament, after having endured

* Ormond had been taught his political creed by the earl of Strafford: By him he had learned entirely to depend on the favors of a court; like him he had devoted every principle of conduct to its ſervices; and on theſe merits was particularly recommended to and cheriſhed by the King, who, among other favors, had lately beſtowed on him the title of marquis, and two thouſand two hundred pounds out of his treaſury, at a time when the ſtate of Ireland was diſtreſſed for money to ſubſiſt the forces raiſed againſt the rebel army. The earl of Leiceſter was, on various pretences, detained at Oxford, whilſt Ormond, by a warrant from the King, was inveſted with the power of appointing, in the abſence of the chief governor, all the ſubordinate officers; a power which he was ſure to make uſe of in promoting the officers of the old army, who had been commiſſioned by Strafford, and who were of a ſtamp to undertake any ſervice which ſhould be required of them.

dured a hot perſecution from the Lords, by the in- Ann. 1644.
fluence and intrigues of the marquis of Ormond, on the account of one Stephen Jerome, a preacher, whom they had ſo far countenanced as to appoint to preach at Chriſt-church, a place of worſhip commonly frequented by the officers of ſtate. *Jerome, in the ſtyle of the times, had told ſome bold truths from the pulpit, and had been pretty free with the perſons of the King and queen; comparing the King, whom in a manner he had taxed with breaking his covenant with the people, to the uxorious Solomon and the headſtrong Rehoboam, and the queen to the idolatrous daughters of Jezebel: The cavaliers of England were likewiſe compared to the rebels of Ireland; and protections to the goods and perſons of ſeveral Papiſts, which had been granted by the marquis of Ormond, obliquely hinted. Jerome was ſilenced by Launcelot Bulkeley, archbiſhop of Dublin; when the juſtices, to mortify this buſy prelate, and with a deſign, no doubt, to weaken the influence of that party in Ireland which favored the King and the Papiſts, ſigned an order requiring him to continue the ſame lecture without interruption, until good cauſe was ſhewn unto them to the contrary.----The upper houſe was informed by one of their members (the lord Howth, a Papiſt *), that Jerome had thrown reflections on their majeſties, and others of that aſſembly, which deſerved to be taken into conſideration; and the biſhop

Carte, vol. I. p. 216.

* The parliament, in one of their declarations touching the King's connection with, and favor to, the Iriſh Papiſts, mention his having encreaſed the Popiſh influence in the Iriſh houſe of Lords, by giving peerages to ſeveral of that profeſſion. *Ruſhworth.*

Ann. 1644. of Meath urged his puniſhment, as a very neceſſary exertion, becauſe, he ſaid, the man, in contempt of the authority of his proper ſuperior, had been ordered by the lords juſtices to go on with his ſermons: The marquis of Ormond moved, That the buſineſs might be referred to a committee; a committee was accordingly appointed, which conſiſting of thoſe who might be properly called parties againſt Jerome, and high ſticklers for the prerogatives of the crown, Jerome was committed by the houſe to the cuſtody of one of the ſheriffs of Dublin, and his proſecution at ſeveral times eſpecially recommended to the juſtices. The juſtices let the matter reſt till the day they intended to prorogue the parliament, when a meſſage was delivered to the lord chancellor, importing, That, as the houſe had taken examinations in the cauſe, the juſtices left it wholly to them to inflict what puniſhment they thought proper. The Lords, enraged that Jerome ſhould by this artifice eſcape their vengeance, drew up an order, in which they narrated the whole buſineſs, and again recommended the puniſhment of Jerome to the lords juſtices, the twentieth of April (the time to which the parliament was prorogued) being too long a date, they ſaid, to defer it.

THUS whilſt the Scots, wholly conſulting their eaſe and intereſt, became an uſeleſs burden on the country, and that matters of this trifling nature took up the attention of the different parties which formed the parliament and ſtate of Ireland, the rebels were ſuffered to complete, without interruption, their civil and

and military operations. Yet, notwithſtanding all Ann. 1644.
the advantages they received from the diſunion and inactivity of the Proteſtants, they got few victories in the field: The lord Broghill, Moore, Sir Frederic Hamilton, Sir Robert Stewart, Sir Charles Coot, Sir William St. Leger, and others, obtained advantages over them in almoſt every rencounter; and the marquis of Ormond, after gaining two complete victories at Kilruſh and Roſs, had found means to relieve all the forts they had beſieged or blockaded in different parts of the kingdom.

THE length of the protracted war, notwithſtanding theſe ſucceſſes, had occaſioned to each party a great ſcarcity of all the neceſſaries of life: The whole kingdom, as far as they had power to execute their malice, had been laid waſte in the beginning of the rebellion by the Iriſh; the policy of war had occaſioned the juſtices to make much devaſtation; and the care of the Engliſh parliament had been ſo wholly engroſſed in defending Liberty in England, that, during the courſe of the year 1643, a very ſmall ſupply had been afforded to Ireland *. The diſtreſſes of the

* The parliament cenſure the King on this ſubject, and allege, That, having deſigned five thouſand foot and eight hundred horſe for the relief of Munſter, under the command of the lord Wharton, and when nothing was wanting but a commiſſion to the lord Wharton, to enable him for that ſervice, no commiſſion could be obtained from his majeſty, by reaſon whereof Limerick was wholly loſt, and the province of Munſter in great diſtreſs; that cloaths provided by the parliament for the troops in Ireland were ſeized by his majeſty's officers; and that his majeſty's forces were ſo quartered in and about the common roads to Ireland, that neither money, cloaths, victuals, or other proviſions, could paſs thither with any ſafety. *Ruſhworth*, vol. IV. p. 776.

Ann. 1644. Engliſh army in this country afforded that opportunity which had been long waited for by the King: A remonſtrance was framed and preſented to the council-board, in the name of forty officers employed in the higheſt commands of the army, complaining of the inconveniencies and hardſhips they had ſuffered in the ſervice, and the little aſſiſtance to be expected from the Engliſh parliament. This remonſtrance was preſented to the juſtices by the marquis of Ormond (a ſpecial intriguer in all the cabals of theſe times), and was too ſerviceable to the intended meaſures not to be immediately diſpatched by the ſame hand to the court at Oxford. The juſtices and council raiſed the ſum of twelve hundred pounds by a ſubſcription of plate; but this being not ſufficient to ſatisfy thoſe whoſe preſent buſineſs it was not to be ſatisfied *, a ſupplicatory petition for protection, in a fulſome low ſtyle of fawning flattery, was ſent by the remonſtrants to the King; who, after high expreſſions of ſorrow at the grievances of ſuch noble perſonages, and inveighing againſt his rebellious ſubjects in England, from whom, he ſaid, the obſtructions to their relief had ariſen, with a promiſe to omit no opportunity to relieve his diſtreſſed kingdom of Ireland, and encourage and recompenſe ſuch as had deſerved ſo eminently of him, he deſired that the marquis of Ormond might return his particular thanks to the earl of Kildare, Sir Fulk Huncks, co-

* Theſe officers had before refuſed to conſent that a part of their pay and arrears due ſhould be ſatisfied out of the rebels' lands, though the lords juſtices, and other officers of the civil liſt, had ſet them an example, by ſubſcribing conſiderable ſums. *Carte*, vol. I. p. 385.

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lonel Gibſon, and Sir Richard Greenville, all men who had been particularly active in raiſing the deſired clamor. Ann. 1644.

ACCORDING to the petition ſent from the rebel aſſembly at Kilkenny, a commiſſion under the great ſeal of England was diſpatched to the marquis of Ormond, the earl of Clanrickard (a Papiſt *), the earl

* This Popiſh nobleman was veſted with the government of the town and county of Galway: The fort was commanded by captain Willoughby, and garriſoned by a ſtrong body of Proteſtant troops; yet afterwards fell a ſacrifice to the treachery of the town, who, by the authority of Clanrickard, after they had flown out into unprovoked acts of rebellion and murder, when on the brink of deſtruction obtained an act of pacification with the fort; a pacification which on the firſt opportunity they broke, and the fort, after an obſtinate ſiege, was obliged to ſurrender.

Clanrickard had kept clear of any overt junction with the rebels, yet, with an high degree of ſagacity, had all the malignancy of the faction: He was well acquainted with the ſtrength of the Proteſtant intereſt in the Britiſh empire, and knew the conduct and avowed aim of the Papiſts would in the end prove unfortunate to themſelves and the King. It was for this reaſon he endeavored to moderate the zeal of his brethren ſo far as to wait the reſult of the Oxford counſels: "I do profeſs myſelf (ſays he to the leaders of the Popiſh faction, who preſſed him to join their forces) as faithful and conſtant a Roman-Catholic as any covenanter whatſoever, and perhaps do underſtand the means to preſerve it better in the kingdom than many of them who appear with an inconſiderate zeal: It is rather feared that the proceedings here have drawn the affections of many in England from the King, and rendered him liable to ſuſpicions, by the pretenſions and rumors ſpread in this kingdom. When our actions ſhall prove to be of advantage to him, or that I ſhall receive the leaſt command, I have not one drop of blood which ſhall not be plentifully poured forth in his ſervice; and that I preſume is well known to his majeſty." *Clanrickard's Memoirs*, p. 249, 258.

of

Ann. 1644. of Roſcommon, the viſcount Moore *, Sir Thomas Lucas, Sir Maurice Euſtace, and Thomas Bourk (a Papiſt, brother to the earl of Clanrickard, and an agent at Oxford for the party), authoriſing them to meet with the principals of the rebels who had ſigned the petition, to receive in writing what they had to propound, and to tranſmit the ſame to the King. This commiſſion was dated the eleventh of January 1643; and a letter was ſent to the lords juſtices, requiring them to aſſiſt in the commiſſion, though, at the ſame time they had tranſmitted the rebels' petition, they had expreſſed, in very ſtrong terms, the diſadvantage it would be to his majeſty's and the Proteſtant intereſt to comply with their requeſt. Agreeable to the dictates of the commiſſion, a letter of ſummons was ſent to the ſupreme council at Kilkenny: It met with a ſlight, or rather haughty anſwer; but, by the compliant diſpoſition of the King's commiſſioners, and ſome conceſſions on the ſide of the rebels, a meeting was appointed at Trim on the ſeventeenth of March 1643; when a writing was delivered to the King's commiſſioners by the agents for the rebels, containing a remonſtrance of their grievances, with a petition for redreſs in a free (that is a Popiſh) parliament, unreſtrained by Poyning's law; and an offer, on obtaining their requeſt, to employ ten thouſand men, under experienced commanders, in defence of his majeſty's regal rights and prerogatives. The whole remonſtrance, which contains fourteen tedious arti-

* The ſame who had given an infamous evidence againſt the lord Mountnorris.

cles,

cles, is ſtuffed with notorious falſhoods, excepting Ann. 1644. ſome pretended injuries which were juſt conſequences of the rebellion, and grievances which concerned both Iriſh Proteſtants and Papiſts, and which nothing but the flagitious conduct of the latter could have prevented from being redreſſed.

THE juſtices, by a letter wherein they repreſented the cruelties which had been practiſed by the Iriſh Papiſts on the Proteſtants, and that they could not be ſafe in their perſons or poſſeſſions, unleſs ſuch advantage ſhould be taken of the rebellion as to deprive the former of their lands, and conſequently of their power to do miſchief, made another attempt to diſſuade the King from proceeding in the intended treaty; but the vigilant Ormond, to prevent his maſter from receiving any obſtruction to his deſigns, calling together thoſe members of the council on whom he had an entire influence, balanced the juſtices' repreſentation by another, in which the difficulties of the ſtate and army were ſet out in their utmoſt extent; and which ended with an opinion, that if conſiderable ſupplies of money, munition, and victuals, were not ſent within a month or two, or if his majeſty did not, in the mean time, give direction what to do in caſe they were not by that time ſupplied, they, his majeſty's ſubjects, with the reſt of the Proteſtants of the kingdom, muſt periſh and be conſumed, and his majeſty enforced to make a new conqueſt, with very great diſadvantages.—This repreſentation, ſigned by the lord-chancellor Bolton (who had been impeached by the parliament), the biſhop of Meath, the lords Brabazon and Lambert,

Sir

Ann. 1644. Sir Francis Willoughby, Sir James Ware, and Sir George Wentworth (brother to the late earl of Strafford), was not the only means made uſe of by Ormond to counteract the endeavors of the juſtices: The officers of the army were again excited to manifeſt their diſcontents by a petition to the parliament, which had met the twentieth of March 1643. Among the grievances complained of, that which carried the moſt plauſible appearance was, payments made to the army in Spaniſh coin, of leſs value than the Engliſh money. The petition being received favorably by the Lords, the parliament, to the diſreputation of the juſtices, was ſuddenly prorogued; and the Ormond faction taking advantage of this juſt ground of diſcontent, the chancellor, by the command and in the name of the lords, wrote a letter to the King, acquainting him with the whole buſineſs, and expreſſing great diſcontent at the conduct of the juſtices in the ſudden prorogation: The King, who had long waited an opportunity to deprive Sir William Parſons of a power which he had uſed to ſupport the Proteſtant, or what was at this time ſtyled the Puritan intereſt in Ireland, againſt the malignancy of Papiſts, prelates, and courtiers, and who, had he continued in office, would have been an inſuperable obſtacle to the progreſs of the treaty on foot, ſent over a commiſſion to appoint Sir Henry Tichburn juſtice in his room; Borlaſe being an eaſy man, whom, it was thought, would follow the directions of his new colleague as readily as he had done thoſe of his former one. Sir John Temple, Sir Adam Loftus, and Sir Robert Meredith, were removed from their offices, and others, better affected to the cauſe in hand, put in their places: And a com-

committee of the Commons, which had been ſent over from the parliament of England, in obedience to orders from the King, were excluded the council *. Ann. 1644.

THIRTEEN recuſants of figure and fortune, who had been confined in the caſtle of Dublin on indictments for treaſon, were admitted to bail †; and a ſecond order ſent to the marquis of Ormond to treat for a ceſſation of arms with the rebels for one year: But, notwithſtanding their famous captain O'Neale had been ſuddenly attacked and routed by Sir Robert Stewart on the borders of Fermanagh, the rebels, conſcious of the King's impatience, affected ſuch coyneſs on the ſubject of a treaty, that the marquis of Ormond was obliged to ſend to Kilkenny two Papiſts, his confidants, viz. the lord Taaffe and colonel John Barry, to engage them to ſave appearances ſo far as to renew their requeſt for a treaty of ceſſation.

* The parliament, having heard that the officers of the Iriſh army had had ſecret invitations to repair to the King at Oxford, ſent over Mr. Robert Goodwyn and Mr. Reynolds, as a committee, to ſecure the affections of the army. They carried with them twenty thouſand pounds in money, powder and other ammunition, and were entertained with great civility by the juſtices: But their preſence in council ſerving to awe thoſe who wiſhed ill to the power of the Engliſh parliament and the civil and religious liberties of the empire, and to diſcountenance the commiſſion ſent over to treat with the rebels, they were, by poſitive commands from the King, excluded the council. Two warrants (under the King's ſign-manual, directed to the lords juſtices and the marquis of Ormond) ſoon followed for the taking them into cuſtody; but they were ſaved from this inſult by means of the juſtices, who, ſome days before the arrival of the warrants, had furniſhed them with a pinnace which carried them to the garriſons in the North of Ireland. *Carte*, vol. I. p. 393, *& ſeq.*

† They had been refuſed this indulgence during the late Iriſh adminiſtration.

Ann. 1644. —The main point aimed at by the rebels was the having a new parliament; an incident which, as the kingdom was circumſtanced, would put the whole power of government into their hands. This they had ſome reaſon to expect from the King's condeſcenſion, and was in a manner undertaken by the lord Taaffe *; but the marquis of Ormond not daring to go ſuch lengths, they receded from this their favorite purpoſe, on the conſideration that the ceſſation would eaſe them from the burden of the Scotch army, and that the King, aſſiſted by their forces and the Proteſtant army in Ireland devoted to his intereſt, might be at full leiſure to cruſh the parliament of England, and thus obtain power to grant them the undiſturbed poſſeſſion of their demands. To prevent all oppoſition in the council, Sir William Parſons, Sir John Temple, Sir Adam Loftus, and Sir Robert Meredith, on a charge of treaſon, were committed cloſe priſoners to the caſtle †; and the treaty of ceſſation

* The King, in a letter dated the ſecond of July 1643, ſent orders to the juſtices to aſſure his Iriſh ſubjects in arms, That he was graciouſly pleaſed to diſſolve the preſent parliament, and to call a new one between that and the tenth of November enſuing; and to take a courſe to put all thoſe among them who ſhould be choſen members of the ſaid parliament, into ſuch a condition as they ſhould not be prejudiced in their liberty of ſitting and voting. Neither the marquis of Ormond, nor any other of the King's creatures in the adminiſtration, had courage to take upon themſelves the odium of ſo ruinous and unpopular a meaſure; and the judges, having been referred to by the council, gave ſuch weighty reaſons againſt it, that it was for the preſent entirely laid aſide. *Ruſhworth*, vol. V. p. 544. *Borlaſe*, p. 131.

† The whole general charge againſt theſe privy-counſellors was, the having held a good correſpondence with the Engliſh parliament; and conſiſted of ſuch frivolous particulars, that the lawyers entertained by the King at Oxford were of opinion, they could not be turned to the purpoſe of bringing them in guilty of any capital crime. *Carte*, vol. I. p. 442.

for

for one whole year, on the price of thirty-eight thouſand pounds towards carrying on the war againſt the Proteſtants in England, re-commenced and concluded by the marquis of Ormond at Sigginſtown *, on the ſeventh of September 1643 †. Ann. 1644. Ceſſation with the Iriſh Papiſts.

* The King was in ſuch an hurry to bring the matter to this hopeful iſſue, that, before the treaty was finiſhed, four ſeveral diſpatches were ſent from the court at Oxford to conclude the ceſſation. *Borlaſe.*

† Whilſt this treaty was in agitation, one Peter Scaramp arrived from the Pope with a ſecond ſupply of arms and ammunition, and a bull, dated the fifteenth of May 1643, granting a general jubilee, and authoriſing an abſolution, to all engaged in the inſurrection, of all crimes and ſins, how enormous ſoever.——Soon after the receipt of this bull, the Iriſh clergy publiſhed an excommunication of all thoſe who did not warmly engage in the common cauſe. The excommunication contains the following curious paſſages: "Our hearts would melt in drops of blood, our breaſts may ſob out ſighs and inflamed groans, conſidering our brethren and countrymen, ſo benumbed, ſo mis-led, and ſo blinded as they ſee not, or pretend not to ſee, how juſt our quarrel is againſt thoſe Ammons who project and thirſt no leſs than our total extirpation, our war being rather defenſive than offenſive, defined and decreed as juſt and lawful by the public aſſemblies of our zealous prelates and prime clergymen, approved by his holineſs the Pope of Rome, who lately directed to us his gracious breves and miſſives, containing his acclamations and approbation of our endeavors, with his apoſtolical benediction to all the furtherers of ſo good a cauſe, and a plenary indulgence to thoſe in ſtate of grace who will die in defence of it. We may but weep and lament, yea never dry our eyes, reflecting on the dulneſs of ſome titular Catholics, who ſlightly hear, and conceive no feeling of, the horrid blaſphemies diſgorged and enacted by the malignant party of Puritans in parliament, againſt the myſteries of our Roman-Catholic profeſſions, the ſacrilegious impieties vamped and belched out of their infectious breaſts againſt the ſacred name of our ſweet Saviour Jeſus—a name to which all knees in hell, in earth, in heaven, muſt bow; a name which makes the heaven and earth to ſhake, and ſends ſhuddering chillneſs throughout the veins of all infernal powers. How can we but highly admire, and in our admiration burſt out into moſt doleful notes, to ſee our

Ann. 1644. THUS the Iriſh rebels, who in all quarters had retreated before the Engliſh troops, obtained free liberty to enjoy with impunity the habitations and ſpoils of the exiled Proteſtants, to digeſt with ſafety their plan of ſovereignty, to ſtrengthen themſelves by ſtricter confederacies abroad, and to encreaſe their forces at home; whilſt their brave enemy had full

moſt gracious ſovereign King (the beſt of princes), his royal iſſue, our gracious queen his noble conſort, ſet on with fire and ſword, with all affronts, diſhonor, and diſgraces proſcribed? But alas! how Charity from ſome is gone to endleſs pilgrimage! Oh Lord, through what forbidden paths does paſſion hurry us, when reaſon is unſeated; which never in Pharoah's or Nebuchadnezzar's obdurated minds was more conſpicuous than it will appear in our refractory friends, if they abjure not themſelves, and reclaim not their hearts from their former error!——We thought it high time to apply the moſt efficacious and ſpeedieſt remedy to divert ſuch incumbrances, and rectify thoſe crooked members in their ruptures and diſlocations, endeavoring to joint and befit them in their proper ſeats to the body-politic, otherwiſe to hack and hew, and ſpare neither trunk nor lordſhips amongſt you; our duty to God, our paſtoral function, obliging us not only to reduce the ſtrayed ſheep into the fold, but alſo to cut the corrupted ſores which canker and infect the whole and wholeſome compoſition, leſt God, who ſweetly hitherto chaſtiſed our flock far underneath the rate of their demerits, now, by occaſion of ſo many irritating factions, ſhould ſhew his indignation againſt us all. Having, therefore, hitherto made uſe of mildeſt courſes, by frequent admonitions, counſels, prayers, and often warnings and exhortations, now at length, though much againſt our will, we reſolve to unſheath the fearful ſword of excommunication: And ſo hereby, and by this our preſent act, writing, definitive ſentence, and decree, invoking firſt the name of God, having his fear before our eyes, ſo as we aim at nothing but the amendment of wilful tranſgreſſors and cure of putrid members, by virtue of the authority which graciouſly was conferred upon us by God's divine providence, by the Catholic apoſtolic Roman church, and the ſupreme governor thereof, vicar-general to Chriſt on earth, his holineſs the Pope of Rome, we excommunicate, with a major excommunication, *ipſo facto*." *Carte*, vol. I. p. 447. *Clanrickard's Memoirs*, p. 322, *& ſeq.*

leiſure

leiſure to repine at their fruitleſs victories; and a Ann. 1644.
number of adventurers, who, on the faith of an act of parliament, had ſubſcribed large ſums towards the carrying on the war, found themſelves on the brink of being foiled of their promiſed poſſeſſions *.

* In the beginning of the inſurrection, an act had paſſed for the levying four hundred thouſand pounds for the Iriſh wars; but this not being thought a ſum ſufficient for the importance of the occaſion, a bill was brought in, and paſſed by the King and parliament, to raiſe by ſubſcription a million of money, upon the ſecurity of two millions and an half of forfeited lands in Ireland, to be aſſigned by lot to the ſubſcribers, and to be enjoyed by them and their heirs as ſoon as both houſes of parliament ſhould declare the rebellion to be ended; the King was tied up from diſpoſing of forfeited lands; all grants made or to be made by the crown of goods or lands of rebels, ſince the twenty-third of October 1641, were declared null and void; and all pardons which ſhould be granted after the ſaid day to any of the rebels, before attainder, without the aſſent of both houſes, to be adjudged of none effect; the ſurvey, admeaſurement, and allotment of the forfeited lands to the ſubſcribers were placed in the power of commiſſioners, to be appointed by the Lords and Commons in parliament, who were inveſted with authority to regulate the plantations, to create corporations, to erect churches, and to maintain preaching miniſters within the forementioned bounds. This bill, which reſtrained the King from granting any conditions to the rebels, was paſſed by him among others intended to be reſcinded or diſregarded as occaſion ſerved: And though, to perſuade his parliament to conſent to his journey to Ireland, he mentioned that intention as an encouragement to the adventurers, of whoſe intereſt, he ſaid, he would be always very careful, yet the rebels conſidered it in ſo different a light, that they impatiently expected the King's preſence, as a certain prelude towards a treaty which was to ſecure to them the pardon of their crimes, and the poſſeſſion of their demands. The earl of Clanrickard, governor of the town and county of Galway, on the report of the King's intended viſit, had the boldneſs to apply to the lords juſtices for obtaining a ceſſation of arms until the King's pleaſure was farther declared: The juſtices returned anſwer, That his lordſhip's motion being on the ſuppoſition that his majeſty intended to receive the rebels to grace, they doubted whether it would ſtand with the honor and greatneſs of the King eaſily

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Ann. 1644. Deep was the reſentment which the Proteſtants all over the Britiſh empire, excepting thoſe who were particularly engaged on the ſide of royalty, entertained of this act of the King. When the parliament of England heard of the tranſaction, they ſet forth a declaration of the infringement of their authority, devolved to them both by act of parliament and his majeſty's commiſſion under the great ſeal; that the ceſſation would prove diſhonorable to the public faith of the kingdom, elude the acts and ordinances of parliament made for the forfeiting the rebels' lands, give them time and opportunity to recruit their beaten forces, to ſtrengthen themſelves with foreign ſupplies of men, proviſion, and ammunition, and ruin the poor exiled Proteſtants, who muſt continue begging their bread, whilſt their oppreſſors enjoyed their lands and houſes. They farther complained, That the wants of the army, craftily made a pretext to cover ſuch pernicious counſel, had been occaſioned by the King; ſhips going for Ireland with victuals having been ſtopped by his majeſty's warrant; the parliament's meſſengers for loans and contributions, taken and impriſoned; and, from thoſe counties which were under the power of the King's army, not one penny of either loan or contribution been ſuffered to be ſent to Ireland. "Every man, ſays the parliament in a previous declaration, may conſtrue what was meant by his majeſty's not conſenting that the parliament ſhould ſend a committee into Ireland the laſt year, to endeavor the carrying on the war againſt the rebels, upon the pretence that the earl of Leiceſter, who is yet remaining at Oxford, was preſently to go over thither *."

Huſbands's Collections, fol. ed. p. 340, & ſeq.

to hearken to ſupplication, before ſharp puniſhment had ſomewhat ſatisfied the world that he was really ſenſible of the ſufferings of his good people, and the unparalleled rapines, murders, and oppreſſions of his wantonly-affected ſubjects. *Parl. Hiſt. Memoirs and Letters of the Marquis of Clanrickard.*

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Ann. 1644.

* In this declaration, which was publiſhed previous to the taking place of the treaty of ceſſation, is narrated the quaſhing the ſubſcriptions endeavored by the committee; the treatment the committee met with; the large importation of Iriſh rebels into England, enliſted in the King's army, and in great favor at Oxford.—By the teſtimony of Sir William Brereton, knight of the ſhire for the county of Cheſter, there landed, in June 1643, many Iriſh rebels at Werral in Cheſhire, ſome whereof acknowledged they had waſhed their hands in the blood of ſeveral Engliſh and Scotch in Ireland. John Dod, an Iriſh miniſter, depoſed at the bar of the houſe of Commons, That, during his ſtay of ſeven weeks at Oxford, he ſaw a great number of Iriſh rebels, whom he very well knew to have had a hand in the moſt barbarous actions of that rebellion; as the daſhing of ſmall infants in pieces, the ripping up women with child, and the like: Among theſe was one Thomas Brady, who, at Turbet in Ireland, within ſeven miles where the ſaid Dod lived, as thirty-ſix old men, women, and children, not able to flee, were paſſing over a bridge, cauſed them to be thrown into the water, where they were all drowned; that this Brady was now at Oxford, in great favor, and ſerjeant-major to colonel Piercy's regiment; that he ſaw there three Franciſcan friars, and three Jeſuits, who had liſted themſelves in the lord Dillon's troop, and were called cornets; that there were daily and public meetings at maſs in every ſtreet there; that Sir John Dungan, a man accuſed of high-treaſon in Ireland, who fled into England, had a commiſſion for a troop of horſe, with the lord Barnewall of Trimbleſton and his ſon, and a ſon of the lord Netterville; that, as near as he could compute, there were then at Oxford above three thouſand rebels; and that moſt of the King's life-guard were Iriſh. It is worth notice, that theſe tranſactions paſt during the time lord Falkland ſerved the King at Oxford as ſecretary of ſtate.

CHAP.

CHAP. II.

Strength of the King and parliament.——Death and character of Mr. Pym.——The King ſummons an aſſembly of peers and other members of parliament at Oxford.——Proceedings of the parliament, and the Oxford aſſembly.——Fruitleſs negociation of the count of Harcourt.——Invaſion of the Scots.——Military operations.——Diſtreſſes of the earl of Eſſex and his army.——Battle of Marſton-Moor.——The cities of York and Newcaſtle taken by the parliament's forces.——Second battle of Newberry.——Propoſitions of peace.——Treaty at Uxbridge.——Trial, execution, and character of Laud.

Ann. 1644. Strength of the King and parliament.

THE parliament, by dallying with their advantages, had given the King an opportunity to raiſe himſelf from a condition which had excited their contempt, to a pitch of power formidable to his own party. But for the ſiege of Gloceſter, the Liberty of Great Britain had been extinct; and though that memorable interruption had checked the high career of the King's fortune, at this period he was more than upon an even footing with his adverſaries: With five armies in the field, all the northern parts of England, except Hull in Yorkſhire, were ſubject to his authority; in the Weſt, Plymouth alone (with two ſmall fiſhing-towns, Poole and Lyme) reſiſted the power of his arms; the whole principality of Wales, except the maritime towns of Pembrokeſhire, were at his devotion; and in Shropſhire, Cheſhire, and Lancaſhire, the parliament were not ſtrong.

BESIDES

Ann. 1644. Death and character of Mr. Pym.

BESIDES the accidents of war, this aſſembly had, by the more common courſe of nature, received this year a conſiderable loſs in the death of their illuſtrious member John Pym, who incurred a premature mortality by the exceſſive fatigues of body and mind he had undergone in the ſervice of the public. As his patriotiſm and integrity were of the moſt exemplary kind, and his merits to his party highly eminent, his death was very univerſally lamented by the parliament and their adherents, and furniſhed equal matter of rejoicing to the royaliſts; who, among many impotent attempts to ſully his unblemiſhed fame, proclaimed him a monument of divine vengeance, and that he was ſtricken with that loathſome diſeaſe called the *morbus pediculoſis*: It was part of the ſuperſtition of this age to aſcribe every extraordinary incident to the ſpecial providence of God: To refute, therefore, this idle report, the dead body of Mr. Pym was for ſome time expoſed to public view; and afterwards interred in Weſtminſter-Abbey, to which place he was carried by ſix members of the lower houſe, and attended by moſt of the Lords and Commons ſitting at Weſtminſter *.——Attention to the buſineſs of the commonwealth had ſo entirely engroſſed the whole man, that his private fortune, equally neglected with his health, at the time of his deceaſe was at ſo low an ebb, that the parliament expended a conſiderable

Rushworth, vol. V. p. 376, & ſeq.

* The houſe of Commons paſſed an order, That a monument ſhould be prepared for him at the expence of the commonwealth; that he ſhould be interred in Weſtminſter-Abbey, without any charge for breaking open the ground; and that the ſpeaker, with the whole houſe, ſhould accompany his body to interment. *Journals of the Commons.*

Ann. 1644. ſum in the payment of his debts *; an evidence which, with frugal manners and ſimplicity of life (the characteriſtic of the party), was of itſelf ſufficient to confute the calumnies of his enemies, who accuſed him of raiſing conſiderable ſums by the acceptance of bribes, and other diſhoneſt practices †: Before the tribunal of parliament he had been exculpated from the ſcandal which the royaliſts would have fixed upon him; but he was ſo far moved with their malignity as to publiſh, a little while before his death, a Vindication of his Conduct. In this, with much modeſty of language and ſentiment, he compares his fate to that of the Roman Cicero: "I will not, ſays he, be ſo arrogant as to parallel myſelf to that worthy; yet my caſe, if we may compare leſſer things with great, hath to his a very near reſemblance; the reaſon I am ſo much maligned and reproached by ill-affected perſons being, becauſe I have been forward in advancing the affairs of the kingdom, and have been taken notice of for that forwardneſs; they out of their malice converting that to a vice, which, without boaſt be it ſpoken, I eſteem my greateſt virtue." Mr. Pym, from his experience in the forms of parliament, his knowledge of the law and conſtitution, his powers of argument, oratory, and elocution, and his known honeſty and integrity,

Parl. Hiſt. vol. XII. p. 379, & ſeq.

* The Commons undertook to pay all the debts of Mr. Pym, not exceeding ten thouſand pounds. This was a very munificent donation, conſidering the preſent neceſſities of the parliament. *Journals of the Commons.*

† Beſides his private fortune, he enjoyed a ſalary from his office of maſter of the ordnance.

enjoyed

enjoyed an unrivalled authority in the lower houſe *. Ann. 1644.

——According to the account given by Anthony Wood, an author ſhamefully prejudiced againſt all thoſe who affected the popular cauſe, Mr. Pym was, at a very early period of life, admired for the pregnancy of his parts, and was ſtyled by Fitz-Geoffrey, the poet, *Phœbi deliciæ, Lepos puelli.* The ſame author informs us, that to Somerſetſhire belongs the honor of his birth; and that he left behind him of literary performances, beſides his ſpeeches in parliament, A Vindication from the Aſperſions of Malignants *; a tract, entitled, The Kingdom's Manifeſtation †; and other works.

Wood's Athenæ, vol. II. p. 363 & ſeq.

WHILST the parliament rewarded every degree of merit with a liberal hand, they were no leſs ſevere and impartial in the puniſhment of offences: Nathaniel Fiennes, a man of great eſtimation in the houſe of Commons, both for his own perſonal endowments, and his father the lord Say's reputation, was, by the determination of a court of war, condemned to loſe his head for cowardice of conduct in the defence of Briſtol; and though he obtained a pardon from the general, yet (being incapacitated from ſerving in the army) he ſubmitted to a temporary baniſhment till

* Lord Clarendon, to ſupport the opinion that Mr. Pym had the contrary vice to theſe virtues, mentions his having preſerved ſeveral perſons from cenſure, who were under the ſevere diſpleaſure of the two houſes, as a ſuſpicious circumſtance that he had accepted bribes. Thus acrimoniouſly partial is this author againſt all thoſe who acted in oppoſition to his views and intereſt. *Clar. Hiſt.* vol. II. p. 353.

* Quarto, London, 1643. † London, 1643.

Ann. 1644. the ſhame attending his ſentence was a little effaced from the memory of the public. A diſcipline thus ſevere and juſt, as it made the parliament terrible to their enemies, ſo it inſpired their partizans with the utmoſt reverence and devotion.

The King ſummons an aſſembly of peers and other members of parliament to Oxford.

To abate the veneration very generally paid to this aſſembly, and to avail himſelf of the name of parliament to levy thoſe large ſums which were neceſſary for the enſuing important campaign, the King had ſummoned to Oxford all the members of either houſe who adhered to his intereſt. As it had been intimated to him, that there was no probability the two houſes at Weſtminſter would ever treat with the members which ſhould meet at Oxford, and that he might expect great advantages from their refuſal, a letter *,

* Lord Clarendon tells us, That the King, on being adviſed to the expedient of calling the members to Oxford, was at firſt in ſome apprehenſion that ſuch a conflux of perſons, who would look to enjoy the privilege of parliament in their debates, might, inſtead of doing him ſervice, do many things contrary to it; and exceedingly apprehended, that they would immediately enter upon ſome treaty of peace which would have no effect, yet, whilſt it was in ſuſpence, would hinder his preparations for the war: "And though nobody, ſays lord Clarendon, more deſired peace than the King, yet he had no mind that a multitude ſhould be conſulted upon the conditions of it." The ſame author aſſerts, That the following arguments obviated the King's objection; viz. that the perſons who had the duty to obey his majeſty's ſummons could be none but ſuch as had already abſented themſelves from Weſtminſter, and, having thereby incurred the reſentment of thoſe who remained there, would not bring ill and troubleſome humors with them to diſturb that ſervice which could only preſerve them; but, on the contrary, would unite and conſpire together to make the King ſuperior to his and their enemies: And as to the advancing any propoſitions to peace (which there could be no doubt but they would be

ſigned by the prince of Wales, the duke of York, forty-three lords, and an hundred and eighteen proſcribed members of the houſe of Commons, was ſent to the earl of Eſſex, purporting, That it was their earneſt deſire ſome perſons ſhould be appointed, on either part, to treat of ſuch a peace as might yet redeem their country from the brink of ruin. The earl of Eſſex, by the directions of the committee of ſtate, returned the following anſwer: That he could not communicate the letter he had received to the aſſembly of parliament, becauſe it was neither addreſſed to them, nor they acknowledged in it. To carry on the farce concerted between the King and his council, a ſecond letter was written to the earl of Eſſex, deſiring a ſafe-conduct to Weſtminſter for two meſſengers, deſigned to be ſent by the King concerning a treaty of peace. As there was the ſame ſtudied affectation to avoid mentioning the parliament in this ſecond letter as in the firſt, the anſwer returned was, That, when a ſafe-conduct for the King's meſſengers ſhould be demanded of the two houſes, the earl of Eſſex would ſhew his willingneſs to farther any way which might produce a good underſtanding between his majeſty and his faithful and only council the parliament.

Ann. 1644. Proceedings of the parliament and the Oxford aſſembly.

Rapin. Ruſhworth. Huſbands's Collections.

be inclined to, nor would it be fit for his majeſty to oppoſe), there could be no inconvenience, ſince their appearing in it would but draw reproach from thoſe at Weſtminſter, who would never give them any anſwer, nor look upon them under any notion but as private perſons and deſerters of the parliament, without any qualification to treat or to be treated with; which would provoke thoſe at Oxford, and by degrees ſtir up more animoſities between them. *Clar. Hiſt.* vol. II. p. 318.

Ann. 1644. THIS refuſal produced from the King a meſſage directed to the Lords and Commons ſitting at Weſtminſter: But as he took care, in his offers to treat of peace, to ſignify that his conduct in this point was directed by the Lords and Commons aſſembled at Oxford, and, according to a previous aſſertion in his proclamation of ſummons *, inſinuated that the two houſes ſitting at Weſtminſter were not a legal convention, the parliament refuſed all treaty upon ſuch terms:—They would never own, they ſaid, the members who had deſerted them. Moreover, they thought themſelves bound to let his majeſty know, that, as their continuance as a parliament was ſettled by law, they were reſolved with their lives and fortunes to maintain their juſt rights and power; and did beſeech him to be aſſured, that his royal and hearty concurrence would be the moſt effectual and ready means to procure a firm and laſting peace, and of begetting a right underſtanding between his majeſty and his people; without which his moſt earneſt profeſſions, and their moſt real intentions, concerning the ſame, muſt neceſſarily be fruſtrated: "And

* The King had iſſued out two proclamations on the ſubject of ſummoning the members of parliament to Oxford. The firſt was publiſhed on the twentieth of June 1643; it forbad obedience to the parliament at Weſtminſter, and offered pardon to the members of both houſes, with exceptions. The ſecond was publiſhed on the threatened invaſion of the Scots, on the twenty-ſecond of December in the ſame year 1643; and offered pardon to all the members of either houſe who ſhould appear at the city of Oxford before or on the twenty-ſecond day of January. *Parl. Hiſt.* vol. XII. p. 303, *& ſeq.* vol. XIII. p. 4, *& ſeq.*

in

in caſe, added they, your majeſty's three kingdoms ſhould by reaſon thereof remain in this ſad and bleeding condition, tending to their ruin, your majeſty cannot be the laſt nor the leaſt ſufferer." Ann. 1644.

THE aſſembly at Oxford, exulting in what they termed their repeated ſolicitations for peace, publiſhed two long declarations: One contained the hiſtory of the fore-mentioned proceeding; and the other, with many acrimonious aſperſions on the conduct of the parliament, tended to prove it no free convention. Theſe performances are ſo frivolous and quibbling, ſo ſtuffed with contradictions *, and ſo like thoſe which had been already ſet forth on the ſame ſubject, that it was eaſy to diſcern from what particular quarter they came. The parliament, on their ſide, publiſhed a manifeſto, wherein they ſhewed, from the ſtyle of the letters written to the earl of Eſſex, from expreſſions in the King's late meſſage, and eſpecially from an intercepted letter of the lord Digby †, that, under

* To fix on their antagoniſts the imputation of treaſon, the aſſembly at Oxford lay down poſitions which forbid, on any occaſion, oppoſition to the King; and then contradictorily aſſert, that they will defend with their lives and fortunes the laws and liberties of the kingdom, and particularly the ſtatutes paſſed in the beginning of this parliament. The ſame abſurdities are to be found in the anſwer of the nobility and gentry of Northumberland to the committee of both kingdoms marching with the Scotch army: It was the ſtyle of all the King's publications, and the univerſal jargon of his party. *Parl. Hiſt.* vol. XIII. p. 39, *& ſeq.* p. 57, *& ſeq.*

† This letter calls the parliament "a pretended parliament;" and ſays, That to be admitted by the King for ſomewhat more conſiderable than he hath a long time owned them for, is a point which his majeſty may not ſuffer them to gain, without ſubverting the grounds

of

Ann. 1644. the ſpecious color of propoſing peace, a ſnare had been laid to engage them tacitly to diſavow their power and authority.——On the firſt meeting of the Oxford aſſembly, they paſſed ſome angry votes againſt the Scots; and, on the refuſal of the two houſes at Weſtminſter to treat, they likewiſe voted, That all thoſe Lords and Commons yet remaining at Weſtminſter, who had conſented to the raiſing forces under the command of the earl of Eſſex, or to the making and uſing a new great ſeal, or had been abetting, aiding, and aſſiſting to the invaſion of the Scots, were guilty of treaſon.

THESE reſolutions paſſed, the aſſembly proceeded to the more important buſineſs for which they were ſummoned: They made a kind of grant to the King of one hundred thouſand pounds, to be levied by way of loan; and, following the example which the parliament had ſet them, laid an exciſe on beer, wine, and other commodities *.

NOTWITHSTANDING the zeal which this aſſembly had manifeſted for the King's ſervice, the harmony and confidence which appeared beetwen them was far from real: The King had in vain importuned

of all his late proceedings againſt them, and that which he now went upon, viz. the calling a parliament at Oxford; upon the effect whereof all the eyes of the kingdom were fixed. *Parl. Hiſt.* vol. XIII. p. 3.

* The parliament at this time paſſed a whimſical ordinance, enjoining every family within the bills of mortality to forbear, for three months, one meal a week, and to contribute its value to the public occaſions.

them

them to aſſume to themſelves ſolely the name of the parliament of England *, or to declare the aſſembly at Weſtminſter an illegal convention; and though he had again and again recommended to them an entire truſt and confidence in him, as a better expedient for the peace and preſervation of the kingdom than fears and jealouſies, yet they diſcovered ſo much of the latter of theſe affections, as to petition him to reprint the proteſtation he had made at the head of his army at Wellington, with his declarations concerning his reſolutions to maintain and defend the true reformed Proteſtant religion; that he would again promiſe to call a national ſynod, to eſtabliſh the government and peace of the church, to whom ſhould be recommended a care for the eaſe of tender conſciences; that he would again promiſe to keep inviolable the laws of the land; that he would declare the ſincerity of his royal heart concerning his intention to conſult often with parliaments; that he would promiſe to conſent to an act to ſecure the ſubject from loans, taxes, and other impoſitions, which had been ſubmitted to as exigencies of war and neceſſity; and that he would retain his pious endeavors to procure the Ann. 1644.

* "We are far from diſſolving, ſays this aſſembly in one of their declarations, or attempting the diſſolution of this parliament, or the violation of any act made and confirmed by his majeſty's royal aſſent in this parliament." This prudence, which ſeems newly acquired by the party, and which probably proceeded from the King's declaration after the ſurrender of Briſtol, was far from anſwering his hopes or intention of invalidating the acts he had paſſed, on the preſumption of their having been obtained by illegal methods. He reſented the caution of this aſſembly ſo highly as to term them, in a letter to his queen, his "mungrel parliament."

Ann. 1644. peace of the kingdom, nor ſuffer them to be removed by any advantages, or proſperous ſucceſs. It is manifeſt from the conduct of this aſſembly, that though they had exerted their utmoſt endeavors to ſupport the royal cauſe, yet, in their own judgment, it was at the peril of the Liberties of the conſtitution, whoſe ſecurity they ſacrificed to private intereſt, paſſion, and prejudice.——Having finiſhed the buſineſs for which they were ſummoned, they were prorogued, on the ſixteenth of April 1644, to the enſuing month of October, after having ſat near three months *.

Fruitleſs negociation of the count of Harcourt.

Parl. Hiſt. vol. XII. p. 442.

AMONGST the fruitleſs tentatives for a peace, which ſhould reinſtate the King in the poſſeſſion of his prerogatives, the count of Harcourt was ſent, with the title of ambaſſador-extraordinary, to England. After ſome conferences had paſſed between him and the King, he ſignified in writing to the earl of Northumberland, That, having propoſed to his majeſty, from the king and queen-regent of France, the making a peace with his ſubjects, he found him diſpoſed to enter into negociation; and that if both houſes would

* They met on the firſt of January 1643. The houſe of Peers contained twice the number of members as voted at Weſtminſter; the houſe of Commons conſiſted of about one hundred and forty.—On the very day of this meeting, there was a call of both houſes at Weſtminſter; when, in the houſe of Peers, remained only twenty-two members; in the houſe of Commons there were preſent two hundred and eighty; one hundred were employed in the ſervice of the parliament in the ſeveral counties. The parliament had taken the advantage of their new great ſeal to ſupply the place of thoſe members of the lower houſe who had deſerted the ſervice, and at this time expelled fifty of their members. *Whitlock. Parl. Hiſt.* vol. XIII. p. 28.

let

let him (the count of Harcourt) know the cauſe Ann. 1644.
which had obliged them to have recourſe to arms, he would gladly interpoſe to pacify differences, by expedients the moſt conformable to the ancient laws, cuſtoms, and ordinances of this realm which could be propoſed on all parts. To this impertinent interpoſition the parliament condeſcendingly anſwered *, That the Lords and Commons aſſembled in the parliament of England would always with due reſpect acknowledge ſuch good affections as from the king his maſter, or the queen his miſtreſs, ſhould be at any time expreſſed to the King and realm of England; that they deſired nothing more than ſuch a peace as might as well procure honor and happineſs to the King, as the preſervation of the true reformed religion, the privileges of parliament, and the Liberty of the ſubject; and when the prince D'Harcourt ſhould, from and in the name of the king his maſter, propoſe any thing to the Lords and Commons aſſembled in the parliament of England, they would do thereupon that which ſhould be fit, and which ſhould juſtify their proceedings to all the world. The court not caring

* The parliament, on two different occaſions, ſhewed great ſpirit in their conduct to this ambaſſador. Walter Mountague, a Papiſt, and one of the queen's moſt active agents, attempted a paſſage to Oxford, by putting himſelf in a diſguiſed character among the ambaſſador's retinue; but he had not been landed four-and-twenty hours before he was apprehended and committed to the Tower, and the parliament abſolutely refuſed to deliver him up. On the count D'Harcourt's ſetting out for Oxford, his coach and baggage were ſearched for letters; and his packets being afterwards preſented to the parliament for the obtaining paſſes for a ſafe-conduct, ſome ſuſpected letters were taken out and opened. *Parl. Hiſt.* vol. XII. p. 413, *& ſeq.*

Ann. 1644. to own the two houſes for a parliament, no credentials were produced; and thus finiſhed this frivolous buſineſs *.

Invaſion of the Scots.

THE military operations of this year were begun by the Scots, who, having entered England at the cloſe of the year 1643, very early in the ſpring ſummoned the town of Newcaſtle to ſurrender: The town of Newcaſtle ſtanding upon its defence, they paſſed
Feb. 22. the Tyne and advanced forward. The marquis of Newcaſtle, with an army of fourteen thouſand men,

* Clarendon ſays, That the King was much diſappointed in the effects of this embaſſy; that he expected the court of France would by this ambaſſador have made a briſk declaration on his behalf, and, if the parliament did not return to their regular obedience, that they ſhould have found no correſpondence or reception in that kingdom; and that they would really aſſiſt his majeſty in ſuch manner as he ſhould propoſe: But that, contrary to theſe hopes, the ambaſſador, after a journey or two to Oxford, and ſome perfunctory addreſſes to the two houſes, returned to France *re infecta*, and without the leaſt expreſſion of diſlike, on his maſter's behalf, of their proceeding. We are told by the ſame author, that the court of France dexterouſly avoided entering into a league offenſive and defenſive with the King, on the pretext that it would not appear a generous thing to preſs the King, in his diſtreſs, to an act which he had made ſcruple of conſenting to heretofore, when both crowns were equally proſperous; and that the King's great expectations on the part of France were grounded on the deceaſes of cardinal Richelieu and his maſter, the late king of France; on the change of the French miniſtry, and the perſonal kindneſs which the queen-regent had expreſſed for the queen of England; on the revocation of Monſieur la Ferte Senneterre, who had been long reſident in England, and ſtrongly connected with the parliament, recalled at this time by the particular deſire of Charles, whoſe queen was complimented with the nomination of the perſon to be employed in his place. *Clar. Hiſt.* vol. II. p. 308, *& ſeq.*

har-

harraſſed them in their march by frequent ſkirmiſhes, Ann. 1644.
and at length retired to Durham. To this place he was followed by the Scots, who began to be reduced to difficulties for forage and proviſion, when, on the alarm of a great victory gained by Sir Thomas Fairfax in Yorkſhire, the earl of Newcaſtle, apprehenſive for the city of York, and that himſelf ſhould be encloſed between two armies, made a ſudden retreat.

Military operations.

TOWARDS the end of the month of November in the laſt year, when, from the roughneſs of the ſeaſon, the parliament's ſhips could no longer attend that coaſt, a large number of Iriſh, both Proteſtants and Papiſts, landed at Moſtyn in North-Wales: They had been ſent over by the marquis of Ormond to aſſiſt the King; and were put under the command of the lord Byron *. After taking the caſtles of Lewarden, Beeſton, Acton, and Dedington-Houſe, they defeated a conſiderable body of the parliament troops, gathered together at Middlewich, and laid ſiege to Nantwich, the only remaining place which held for the parliament. To prevent their farther progreſs, Sir Thomas Fairfax aſſembled, in Yorkſhire and the adjacent parts, an army of three thouſand men, and, joining with Sir William Brereton, and other ſcattered troops, who had been routed at Middlewich, advanced to Nantwich. The royaliſt army, inſolent with their victories, had entertained a profound contempt for the parliamentary

* The Iriſh troops were notorious, even among the King's forces, for the ſpoil and cruelties they committed. *Whitlock.*

forces,

Ann. 1644. forces, and carried on the ſiege without making any motion to receive the enemy. On finding that Sir Thomas Fairfax was come with a reſolution to fight, they began to draw off; but a ſudden thaw ſo ſwelled a little river which divided their army, that the general, with the greateſt part of the horſe and ſome of the foot, was compelled to march four or five miles before he could unite his forces: The weaker diviſion of his army being charged by Sir Thomas Fairfax on the one ſide, and by the town on the other, was immediately broken; whilſt himſelf, not caring to venture an encounter, retired, with the horſe and foot under his command, to Cheſter.——Sir Thomas Fairfax, after this victory, by which he had taken priſoners near fifteen hundred common ſoldiers *, with their officers, returned to Yorkſhire, where he at-

April 11. tacked and routed, at Selby, colonel Bellaſis, ſon to the lord Falconbridge, whom the earl of Newcaſtle had left with a conſiderable command. This was the alarm which called back the earl of Newcaſtle from attending the Scotch army; who finding themſelves at liberty to advance, joined the forces under the command of the lord Fairfax, and ſat down before the city of York.

* The Iriſh forces, on whoſe aſſiſtance in this campaign the King had ſo much depended, and for which he had hurried on the ceſſation, never did him the ſmalleſt ſervice, but were all cut off and diſperſed in different places. Beſides the numbers who were deſtroyed and taken priſoners in this engagement, fifteen hundred were caſt away at ſea; and a great many of thoſe who were not Papiſts refuſed to fight againſt their fellow Proteſtants, and joined the parliament forces. *Whitlock.*

SIR

SIR Ralph Hopton, now made a peer, with an Ann. 1644. army of ſix thouſand men, encouraged by a party of malecontents, endeavored to break into Suſſex, Kent, and the ſouthern aſſociation; but was met by Sir William Waller at Cherington-Down, between Farnham and Wincheſter, and received a conſiderable defeat.

BY the zeal of the city, which had never failed the party on any important occaſion, the forces under the commands of the earl of Eſſex and Sir William Waller were completed on a better footing than had been eſtabliſhed by ordinance *; and as the King's army was conſiderably leſſened and diſheartened by the defeat of the lord Hopton †, and the parliament having now nothing to fear from his party in the North, they gave their two generals, Eſſex and Waller, directions to march with their combined forces to Oxford, and either to fight the King, or, if he ſhut himſelf up in that city, to lay ſiege to it; and thus, by one enterprize, to put a period to the war. Contrary to a former council, in which it had been reſolved to reinforce the garriſons of Oxford, Wallingford, Abingdon, Reading, and Banbury, with the foot, whilſt a flying party of horſe ſhould keep about Ox-

* The army under the command of the earl of Eſſex conſiſted of twelve thouſand foot and three thouſand horſe; and that under the command of Sir William Waller, of ſeven thouſand foot and fifteen hundred horſe and dragoons.

† The lord Hopton's army conſiſted of troops drawn out of ſeveral garriſons, two Iriſh regiments of foot, two regiments raiſed by Sir John Berkeley in Devonſhire, and a large detachment from the army which attended the King.

ford,

Ann. 1644. ford, and the remainder be ſent to reinforce the army under prince Maurice in the Weſt, the King, on the fame of the great preparations made by the parliament, drew his garriſon out of Reading, and demoliſhed its fortifications; and, with the addition of theſe troops, retired to his quarters at Oxford *. The earl of Eſſex, after ſending out a party to take poſſeſſion of Reading, advanced to Abingdon, which being immediately abandoned by the King's foot, and Waller making the ſame advances on the other ſide, Oxford became encloſed between the two armies. The King, who was now regarded as a priſoner, taking the advantage of a dark night, dexterouſly paſſed between the enemies' forces, and, with his whole party of horſe and a ſmall body of foot, marched firſt to North Lye, from thence to Bourton on the Water, and by Eveſham to Worceſter. In caſe the King left Oxford, the parliament had directed the earl of Eſſex to follow him with his army, and Waller to march into the Weſt; but, contrary to theſe orders, Eſſex left the purſuit of the King to Waller, and took upon himſelf to proſecute the weſtern expedition. Whilſt the two generals were diſputing this buſineſs, they ſuffered the King to get two full days march of them; but at length Waller, though he complained bitterly of Eſſex's uſage, prepared himſelf for the ſervice; and in his purſuit of the enemy took Sudley-Caſtle, an houſe belonging to the lord Chandois, with two hundred and fifty priſoners.

* With the addition of the Reading garriſon, the King's army amounted to eight thouſand five hundred foot and four thouſand horſe.

Charles,

Charles, after refreſhing his little army at Worceſter, Ann. 1644. went to Bewdley, and, amuſing Waller with the expectation that he intended to march to Shrewſbury, where his intereſt was ſtrong, and where he could eaſily join prince Rupert, returned back to Oxford, leaving Waller, who, on the King's feint, had marched to Shrewſbury, two days journey behind him, in a heavy country.

The King's ſituation was now ſo entirely altered, that, after reinforcing his army from the garriſon at Oxford, he went, in his turn, in purſuit of Waller. The two armies met, and fought at Cropedy-Bridge, near Banbury; when the King gained ſo conſiderable an advantage *, that, having diſabled Waller from any farther purſuit, he marched after Eſſex into the Weſt, to free the queen from the apprehenſion of being beſieged in Exeter, to which place ſhe had retired to avoid a ſimilar fate at Oxford.

In the Weſt, the earl of Eſſex had obliged prince Maurice to raiſe the ſiege of Lyme †; and, finding no equal oppoſition, reduced Dorcheſter, Weymouth, Taunton, and Barnſtable to the obedience of the parliament. On the report of the King's motions, Eſſex,

* Clarendon ſays, That the diſtruſt the King had of the temper of his own army, prevented him from purſuing his advantage over Waller to a complete victory. *Clar. Hiſt.* vol. II. p. 387.

† A ſmall town, before which he had in vain conſumed a conſiderable portion of time. The parliament complimented this town with a gratuity of two thouſand pounds, as a reward for the brave defence they had made. *Whitlock.*

Ann. 1644. contrary to his better judgment, inſtead of advancing forward to meet the royal army, on the advice of his field-marſhal, the lord Roberts, whoſe eſtate lay all in Cornwall, and who poſitively affirmed the Corniſh men would take the firſt favorable opportunity to declare for the parliament, retired into that country, whither he was followed by the King; who, having reinforced his army from all quarters, and particularly by the Corniſh people, on whom Eſſex had been perſuaded to depend, became infinitely ſuperior to the enemy, whom he ſoon found means to encloſe in a narrow corner of the country, about Leſtithiel. Eſſex, deprived of forage and proviſion, and preſſed on all ſides by the royal forces, was reduced to the laſt extremities: On ſeeing no hopes of ſuccor, himſelf and ſome of the principal officers eſcaped in a boat to Plymouth. Balfour, with the horſe, through the negligence or treachery of the King's guards, by the advantage of a miſt, got ſafely to the parliament garriſons; but the foot under Skippon were obliged to ſurrender their arms, artillery, baggage, and ammunition *.——The King had taken the advantage of the extremities to which he had reduced the earl of Eſſex, to tempt him from his fidelity to the parliament: With the moſt flattering aſſurances of royal favor, a meſſenger was ſent to perſuade him to a conjunction with the King; and, though he returned

Diſtreſſes of the earl of Eſſex and his army.

* On Skippon's obſerving that ſome of his men, contrary to articles, were pillaged by the royaliſts, he rode up to the King, and told him, That the non-performance of his articles was againſt his honor and juſtice; and withal requeſted him to give orders to reſtrain his troops. *Whitlock.*

anſwer

anſwer that he would not enter into a treaty without a commiſſion from the parliament, yet, two days after, another letter, on the ſame ſubject, and attended with the ſame ſucceſs, was ſent him, ſigned by prince Maurice and all the general officers *.——Colonel Middleton, with two thouſand five hundred horſe and dragoons, had been detached by the committee of the two kingdoms to the relief of Eſſex, but came too late to prevent his diſgrace; which, at this time, for politic reaſons, was ſo little reſented by the parliament, that, notwithſtanding the provocations he had given them by refuſing to obey their repeated orders to deſiſt from his weſtern enterprize, when the news arrived of his defeat, they voted him thanks for his fidelity, courage, and conduct. Ann. 1644.

THE King's management, from the time he was ſurrounded by his enemies in Oxford to the defeat of the earl of Eſſex, was in no degree inferior to any military genius which had been diſplayed during the whole courſe of the war. But whilſt he was, with ſucceſs and ability, ſtruggling with the ſuperior power

* Wilmot, lieutenant-general of the King's horſe, who had been lately created a peer, was arreſted at the head of the troops he commanded, and ſent priſoner to Exeter, for having promoted among the officers a petition for peace, and for having held correſpondence with the earl of Eſſex, informing him of the ſtrong diſpoſition there was in the King's army for an accommodation. This treatment of Wilmot, who was a great favorite of the army, and whom it was thought Charles had a lurking reſentment againſt, produced from the officers an addreſs, deſiring his majeſty would inform them of the crimes with which Wilmot was accuſed. Clarendon owns that the King had not forgiven Wilmot the part he had acted againſt the earl of Strafford.

Ann. 1644. of his enemies in the South and Weſt, his affairs were ruined in the North, from the intemperate raſhneſs of his own party, and the greater dexterity and zeal of his adverſaries. The lord Willoughby of Parham and Sir John Meldrum, with an army of five thouſand men, laid ſiege to Newark (a conſiderable town in Nottinghamſhire); whilſt three armies, under the earl of Leven, the earl of Mancheſter, and the lord Fairfax, blockaded the city of York. The royaliſts, unable to draw any party into the field ſtrong enough to reſiſt the power of their enemies, had recourſe to prince Rupert, who, marching from Cheſter with ſeven thouſand men, advanced ſo quickly to Newark, that he ſurpriſed the enemies' army, and, after killing five hundred of them, obliged the reſt to ſurrender their fire-arms, and to depart without carriage or baggage. Gainſborough, Lincoln, and Slyford, on the fame of this victory, were quitted to him by the parliament's forces. He relieved Latham-Houſe, which had been beſieged by a body of two thouſand men, and defended by the counteſs of Derby eighteen weeks; reduced Bolton, where he barbarouſly put the garriſon to the ſword; ſeized Liverpool without reſiſtance; and from thence advanced to York, with an army encreaſed to ten thouſand men. The marquis of Newcaſtle *, after having retarded the progreſs of the ſiege ſeven or eight days, by overtures of a treaty on high conditions, began to be reduced to great neceſſities; when, on the thirtieth of June, he had intelligence that prince Rupert was marching to his aſſiſt-

* Made a marquis the twenty-ſeventh of October in the laſt year.

ance:

ance: The three parliament generals, uniting their armies, retired to Marſton-Moor; and thus leaving two ſides of York open for the reception of troops, proviſion, and ammunition, did effectually raiſe the ſiege. It is reported, that there was at this time great animoſities between them; that the untowardly manners of the Scots, with their inſatiable avarice, had rendered them very odious to their comrades; that, being diſappointed of the plunder they had expected, they began to talk of returning to their own country; and that the three armies were on the point of ſeparation, when prince Rupert, inſtead of being contented with the reputation he had acquired in the relief of York, and the real ſervice he had thereby rendered his uncle, inſtead of directing his conduct by the motions of his enemies, on his repair to York, without deigning to aſk the advice, or even to confer with the marquis of Newcaſtle, he ſignified to him in a peremptory manner, that, according to the King's commands, he intended to fight the enemy: In vain did the marquis endeavor to perſuade him to be content with having ſo ſucceſsfully effected the relief of York; in vain did he aſſure him, that the mutual diſſenſions which had taken place among the enemy would in a few days ſecure to him, without hazard, a bloodleſs victory; in vain did he preſs him at leaſt to deſiſt from his intention till the arrival of five thouſand men, which were daily expected from the North: The haughty intemperate prince, taking upon himſelf the chief command, ordered the garriſon to be in readineſs to join him the next morning. According to the account given by Sir Thomas Fairfax, the Ann. 1644. Scots,

Ann. 1644. Scots, on perceiving the prince's intention to fight, were for retreating; and the combined armies were actually drawing off towards Tadcaſter, when Sir Thomas Fairfax and Oliver Cromwell (lieutenant-general to the earl of Mancheſter) who were appointed to bring up the rear, on finding the enemy approach, made a ſtand, and ſent to entreat their comrades to return, leſt the enemy, by charging whilſt they were in a poſture of retreat, ſhould put them in diſorder: Each ſide now prepared themſelves for a conteſt, which, in all probability, was to determine the event of the war. The prince's army conſiſted of fourteen thouſand foot and nine thouſand horſe; its main body was commanded by the generals Goring, Porter, and Tellier; the prince headed the right wing, and Sir Charles Lucas and colonel Hurry the left. The main body of the parliament armies, which were at leaſt equal to the prince's in number, was commanded by the three generals, the earls of Mancheſter and Leven and the lord Fairfax; the right wing was headed by Sir Thomas Fairfax, and the left by Oliver Cromwell.* The charge was begun with ſuch courage and intrepidity by the left wing of the parliament's army, that prince Rupert, contrary to his uſual fortune, was worſted; the right wing did not meet with equal ſucceſs; but, after an engagement of above three hours, in which fortune frequently changed ſides, victory wholly inclined to the parliament *. Four thouſand

Battle of Marſton-Moor.

* Among the mediators for a peace between the King and the parliament, were ambaſſadors from the ſtates-general of the United Provinces. They at firſt declined acknowledging, in a full and ſatisfactory manner, the two houſes at Weſtminſter for the parliament of England; but,

royaliſts were ſlain, fifteen hundred taken priſoners' Ann. 1644. with the whole train of artillery. The parliament loſt three hundred common ſoldiers; their officers, who had behaved very gallantly, were many of them hurt, but few of them mortally: Amongſt theſe were the magnanimous family of the Fairfax's; Charles Fairfax, brother to Sir Thomas, died in three or four days, of the wounds he had received; and major Fairfax, a more diſtant relation, ſome time after.

The loſs of this battle was the moſt conſiderable blow which the King, during the whole conteſt, had ſuſtained; and the ſucceeding frantic conduct of his two generals, Rupert and Newcaſtle, completed the ruin of his fortunes. Equally vain and intemperate,

but, after ſeveral fruitleſs attempts to perſuade the parliament to accept, on theſe terms, their mediation, they at length preſented a memorial, which contained a full acknowledgment of the two houſes for the parliament. The parliament did not at firſt return them any anſwer; but on their demanding an audience, it was granted them. They were received in great ſtate by both houſes; yet the parliament, conſidering them as influenced by the prince of Orange, rejected their repeated offers of mediation.—On a demanded audience from Sabran, an agent of the French king, the parliament had directed for his reception a leſs pompous ceremony than that with which they had received the ambaſſadors of the States-General. This offended the Frenchman ſo much, that he declined the audience, ſaying, He thought that the agent of ſo great a king as was his maſter, deſerved as much reſpect as the ambaſſadors of ſo petty a ſtate as was that of Holland. The parliament, who had by this time obtained a good deal of the rationalneſs of republican principles, paid no attention to theſe ſcruples. Sabran had ſent a petition to the ſpeaker concerning matters of trade; and had received for anſwer, That when addreſſes ſhould be made to both houſes, as a parliament, they would do according to right. *Ruſhworth. Huſband's Collections. Whitlock.*

in

Ann. 1644. and equally disappointed in their ambitious hopes, the very morning after the battle the following sullen messages passed between them: The prince sent the marquis word, That he was determined to march away immediately with his army towards the King; the marquis returned answer, That he was determined to retire from his command, and, without loss of time, to leave the kingdom *:

* To the marquis's activity and readiness to serve the royal cause, the King had not only owed the possession of Newcastle, when destitute of any port-town, but the preservation of the city of York itself, and the uniting and raising a party which had given him almost the entire command of the northern parts. The behaviour of prince Rupert, to a nobleman from whose services his uncle had received such considerable advantage, gives a lively idea of royal arrogance and ingratitude; since it is impossible to suppose, that so dependant a man as was the prince, would have ventured on such an insolent conduct, without being certain of the King's countenance and protection. It was in this light it was resented by the marquis, who, disdaining any post which the prince should assign him, engaged in the battle as a volunteer; and the morning after repaired to Scarborough, where himself, his brother, his two sons, King (his lieutenant-general), five other noblemen, with Bramhall bishop of Londonderry, and two commoners, embarked in a small vessel for Hamburgh.

The earl of Clarendon, in a whimsical style of panegyric, gives the following account of the marquis's politics: "He loved monarchy, says he, as it was the foundation of his own greatness; and the church, as it was well constituted for the splendor and security of the crown; and religion, as it maintained that order and obedience which was necessary to both." Motives of mistaken selfishness, a few bigots excepted, may, I believe, be very justly ascribed to all those who embarked in the royal cause; but sure this noble historian is the first moralist who ever gave them as laudable essentials to the principles of conduct. As the marquis was excited by ambitious motives to venture his person and fortune in the service of the crown, so the same affections prevented his being essentially useful to the royal cause.—It is said, that the circumstance which determined the King to the siege of Glocester,

These intentions were with the same precipitation executed as formed. The city of York, thus aban- Ann. 1644.

Glocester, rather than to advance to London, was Newcastle's declining to join him. Sir Philip Warwic, who was sent to him on a commission from the King to persuade him to march southerly, says, That the marquis apprehended nothing more than to be associated to the King's army; that he designed himself to be the man who should turn the scale, and to be a self-subsisting and distinct army wherever he was. Lord Clarendon tells us, That he liked the pomp and absolute authority of a general well, and preserved the dignity of it to the full; but the substantial part and fatigue of a general he did not in any degree understand, nor could submit to, but referred all matters of that nature to the discretion of his lieutenant-general King; that actions of war were no sooner over than he retired to his delightful company Music, or his softer pleasures, to all which he was so indulgent, and to his ease, that he would not be interrupted upon what occasion soever, insomuch as he sometimes denied admission to the chiefest officers of the army, even to his lieutenant-general, from whence many inconveniencies fell out; that from the beginning he was without any reverence for the privy-council, but was of the other soldiers mind, that all the business ought to be done by councils of war, and was always angry when there were any overtures of a treaty, *i. e.* at any interruption to the King's establishing an absolute authority by conquest. It is for this conduct, these inclinations, these and such-like qualifications, that the marquis of Newcastle is styled, by writers of the same principles and the same judgment as the earl of Clarendon, "A great patriot, a man of science, and an accomplished fine gentleman." His virtues are related at large in a romantic history written of him by his second wife; who puts in her claim for science and philosophy, and was equally with her husband, as lord Clarendon styles it, amorous in poetry. This female biographer acquaints us with very trifling anecdotes concerning her hero, as in what sort of coach he went into Amsterdam, compares him to Julius Cæsar, and, among his illustrious actions, details three expensive entertainments, to the amount of twenty thousand pounds, with which he regaled the royal family. What a picture of foolish nobility, says Mr. Walpole, was this stately poetic couple, retired to their own little domain, and intoxicating one another with circumstantial flattery? The lord Fairfax, in an answer to one of the marquis's declarations, ridicules his romantic genius; but it was

Ann. 1644. The city of York and Newcaſtle taken by the parliament's forces.

doned, was obliged to ſurrender in a few days, and the parliament's authority in this county now eſtabliſhed without oppoſition. The earl of Mancheſter returned to the eaſtern aſſociation. The Scots, marching northward, joined ten thouſand additional forces under the command of the earl of Calendar, and in a ſhort time took Newcaſtle by ſtorm; a circumſtance of important conſequence to the city of London, whoſe inhabitants had been greatly diſtreſſed by the deprivation of the fire fuel with which they were wont to be ſupplied from that town *.

THE King, notwithſtanding the ruin of his affairs in the North, and the advantages the parliament had gained in the midland counties, flattered himſelf that his victory in the Weſt, with the diſſentions which every day encreaſed among his enemies, would produce a ſtrong convulſion in his favor. Full of the flattering aſſurances that the people in general wiſhed for an opportunity to free themſelves from the power of the parliament, he ſet forth a proclamation, in which he declared an intention to draw with his army towards London and the ſouthern and eaſtern counties; required his ſubjects of thoſe parts through which he ſhould paſs, to prepare themſelves with the beſt arms they could get, to be ready to join him;

ſo much admired at court, that the King pitched upon him as the propereſt perſon in the kingdom to educate his ſon. *Clar. Hiſt. Warwic's Memoirs. Walpole's Noble Authors.*

* The parliament had, on this occaſion, paſſed an ordinance for the cutting and drying turf, on the lands near London, for fuel for the citizens. *Whitlock.*

authoriſed

authoriſed thoſe of the ſouthern and eaſtern counties, and the train-bands of London, to chuſe loyal commanders; and required them at his approach to put themſelves in arms, and aſſiſt him in his endeavors to reſtore the public peace. So trifling were the effects produced by this proclamation, that the King's army diminiſhing inſtead of encreaſing in his march, he was obliged to lay aſide all thoughts of a triumphant entry into the capital, and to content himſelf with returning to his old quarters at Oxford; a meaſure which, through the activity of the parliament, he found difficult to execute. During the period of ſix weeks that the King was on his march from the Weſt, they had refurniſhed the earl of Eſſex's foot with arms, recruited his army with men, and enlarged it by the forces they had ſent under the command of Middleton and a detachment of the city brigade, conſiſting of five thouſand men; Sir William Waller they had re-enabled to take the field; and the earl of Mancheſter, after his northern expedition, had orders to join the forces of Eſſex and Waller, and to interrupt the King in his retreat at Newberry, where he had fortified himſelf. He was attacked by the combined armies: His troops defended themſelves with valor; but being very unequal in numbers to the enemy, the night, coming ſeaſonably to their relief, alone prevented their total overthrow. Before the returning morn, the King had retreated to Wallingford, and from thence to Oxford: Here being joined by prince Rupert and the earl of Northampton, with conſiderable bodies of cavalry, he ventured to advance

Ann. 1644.

Second battle of Newberry.

Ann. 1644. towards the enemy. The earl of Manchester, who commanded in chief, on account of a sickness, either real or pretended, which had prevented the earl of Essex from appearing in that character ever since his defeat in Cornwall, declined an engagement, though earnestly pressed by Oliver Cromwell (his lieutenant-general) not to neglect so favorable an opportunity of putting a period to the war. The parliament commanders, after having first suffered the King to make a safe retreat from their victorious troops *, now permitted him, in the face of their army, to bring off his carriage and baggage which he had left behind him at Dennington-Castle.——After this battle at Newberry, so inglorious and unprofitable to the parliament, the forces on both sides retired to winter-quarters: And thus ended the campaign of the year sixteen hundred and forty-four.

Propositions of peace.

WHILST both parties were thus vindicating their several claims by the sword, they did not fail, as usual, to amuse the people with the expectation of a sudden peace, and themselves with the hopes of obtaining by treaty, what neither side had yet been able to gain by contest. Three several messages had been sent by the King with overtures of peace; but without relaxing so much of his pretensions as to own the two houses for a parliament. The parliament, who had been all this summer preparing propositions, now

* The moon was at the full when the King, after his defeat at Newberry, retreated to Oxford.

sent

sent them to the King *; and, to shew the people Ann. 1644.

* The substance of the propositions.

That all declarations, &c. against both or either houses of the parliament of England, or the convention of estates in Scotland, should be declared void.

That the King should swear and sign the league and covenant; and that the subjects' taking it should be enjoined by act of parliament.

That the hierarchy should be abolished by act of parliament; with articles concerning the estates of prelates.

That the ordinance relative to the calling and sitting of the assembly of divines should be confirmed by act of parliament.

That reformation of religion, according to the sense of parliament and the church and kingdom of Scotland, should be settled by act of parliament.

Two acts of parliament for the more effectual disabling Popish recusants from disturbing the state.

An act for the education of the children of Papists in the Protestant religion.

An act for the true levying the penalties against them.

The like for the kingdom of Scotland.

That an act should be passed for the due observation of the Lord's day.

For the suppression of innovations in the worship of God.

Against the enjoying pluralities and non-residency.

For the reforming and regulating both universities, with the colleges of Westminster, Winchester, and Eton.

For the suppressing interludes and stage-plays.

For the taking the accounts of the kingdom.

For the relief of sick and maimed soldiers, with the widows and children of soldiers.

For raising money for the satisfying the public debts and damages of the kingdom.

For the taking away the court of wards and liveries.

For the taking away all tenures by homage, fines, licences, seizures, and pardons of alienation, in consideration of one hundred thousand pounds a year.

That an act should be passed in the parliament of Scotland, ratifying the acts of the convention of the estates of Scotland.

Three

Ann. 1644. they were more ſincere than his majeſty in their in-

Three articles, which except particular perſons from pardon, with all Popiſh recuſants who had taken up arms, or had been aſſiſting againſt the parliament, and all thoſe who had had any hand in the plotting, deſigning, or aſſiſting the Iriſh rebellion.

That the members who had deſerted the parliament, and concurred in the votes at Oxford, ſhould be removed from his majeſty's counſels, be reſtrained from coming within the verge of the court, and that they ſhould not, without the conſent of both kingdoms, bear any office concerning the ſtate and commonwealth.

That all judges, &c. who had deſerted the parliament, ſhould not be capable of any office or employment.

Several articles regulating the confiſcation of the goods and the fines of delinquents.

That an act ſhould be paſſed in the parliament of both kingdoms for confirmation of the treaties which had paſſed between them.

That an act ſhould be paſſed to make void the ceſſation of Ireland, and to ſettle the proſecution of the war.

That the joint declaration of both kingdoms, bearing date the thirtieth of January 1643, ſhould be eſtabliſhed by act of parliament.

That an act ſhould be paſſed, according to the ſenſe of parliament, to train the ſubjects to arms.

Than an act ſhould be paſſed, according to the ſenſe of parliament, for the ſettling the admiralty and naval forces; and the like for the kingdom of Scotland.

That an act ſhould be paſſed for the ſettling of all forces, both by ſea and land, in commiſſioners, to be nominated by both houſes.

Several articles regulating the powers of theſe commiſſioners.

That the commiſſioners of both kingdoms ſhould be allowed to meet as a joint committee to preſerve the peace between the kingdoms, to prevent the violation of the articles of the peace, to raiſe and join the forces of both kingdoms, to reſiſt all foreign invaſion, and to order the war of Ireland.

That his majeſty ſhould give his aſſent to what the two kingdoms ſhould agree upon in proſecution of the articles of the large treaty, not yet finiſhed.

That all peers made ſince the day the great ſeal was conveyed to Oxford, ſhould not ſit or vote in the parliament of England, without the conſent of both houſes.

That

clinations to reſtore the public tranquillity, they ac- Ann. 1644.

That the chief governor or governors of Ireland, with all the great officers of the crown of England, ſhould be nominated by both houſes of parliament.

An article concerning the education of the royal family in the Proteſtant religion; that their governors and tutors ſhould be choſen by the parliaments of both kingdoms; that the males ſhould be married to Proteſtants, and the females by the advice and conſent of both parliaments.

An article concerning the uniting the Proteſtant ſtates, and for the entire reſtitution of the prince elector palatine to his electoral dignity and dominions, with the excluſion of prince Rupert and prince Maurice, and their children.

That the concluſion of peace or war with foreign ſtates ſhould be with the advice of both parliaments.

That an act of oblivion ſhould be paſſed in the parliaments of both kingdoms reſpectively, relative to the qualifications in the fore-mentioned propoſitions.

For the reſtoration of thoſe members of parliament to their places and offices, who had been diſplaced for their adherence to parliament.

That the armies ſhould be diſbanded at ſuch time, and in ſuch manner, as ſhould be agreed on by the parliaments of both kingdoms.

That an act ſhould be paſſed for the granting and confirming the charters, cuſtoms, &c. of the city of London; that the militia of the city of London, and the pariſhes without, ſhould be in the ordering and government of the lord-mayor, aldermen, and common-council; that the Tower of London ſhould be in the government of the city of London, and the chief officer and governor thereof ſhould be from time to time nominated and removable by the common-council; that the citizens or forces of London ſhould not be drawn out of the city without their own conſent; that it ſhould be in the lord-mayor, aldermen, and common-council to regulate the continuing and calling of common-councils; and that ſuch other propoſitions as ſhould be made for the city for their farther ſecurity, welfare, and government, which ſhould be approved by parliament, ſhould be confirmed by act of parliament.

cepted

Ann. 1644. cepted of a ſafe-conduct for their commiſſioners * as to private perſons. When theſe repaired to Oxford, they were received by the King with a coldneſs which bordered on rudeneſs: The accommodations prepared for them were worſe than indifferent †; and on the King's finding they had no power to bring matters to a concluſion, they were treated with uncivil language ‡.——The diſſenſions which every day encreaſed in parliament, and on which the King had ſo much preſumed, occaſioned this aſſembly to paſs over theſe affronts, and, on condition that it was aſked of them as the parliament of England, to aſſent to what the King demanded, viz. the granting a paſſport for the duke of Richmond and the earl of Southampton to come to London with an anſwer to their propoſitions. To humor the ſtrong inclinations of his party to a peace, and under the ſhelter of a mean ſubterfuge *, the King complied with this demand: But, on the repair of the two peers to London, it was found they were ſent on other buſineſs than that which the King had pretended; ſeeing the meſſage they brought was, that his majeſty found it very difficult, before a full debate, to return an anſwer to the parliament's propoſitions; but if they would appoint commiſſioners, he would nominate the like number to treat with them, at any place which ſhould be agreed on. The arrival of two peers on ſo frivolous an errand gave ſuch diſguſt to the parliament, that they ſtrictly enjoined their members not to viſit or

Ann. 1644.

* The earl of Denbigh, lords Maynard, Wenman, Maitland, the hon. Denzil Hollis, the hon. William Pierrepoint, Sir Charles Erſkyn, Bulſtrode Whitlock, Eſq; Mr. Robert Barclay. *Parl. Hiſt.* vol. XIII. p. 330.

† Whitlock, in his account of this embaſſy, ſays, That at Wallingford, Blake (the governor of the garriſon) treated them with ſo much haughtineſs and incivility, and ſuch high words paſſed between him and the lord Denbigh, that lord Maitland turned pale, and he and other of the commiſſioners feared they ſhould have their throats cut by the garriſon; that when they arrived at the gates of Oxford, they were ſuffered to remain three or four hours in the open field before they gained admittance, though the weather was both wet and cold; that as they paſſed along the ſtreets, the vulgar ſort, for whoſe rights and liberties they had, as he obſerved, undergone great hazards, reviled them with the appellation of traitors, rogues, and rebels; and that the quarters provided for them was a mean inn, a little degree above an alehouſe, in which retreat their ſervants were abuſed ſo groſsly by the King's officers, that the whole company began to fear there was ſome deſign laid againſt their lives. *Whitlock.*

‡ They were told, that a letter-carrier might have done as well; were refuſed other than a written anſwer, ſealed up, without a direction; and, on their demanding a copy, were anſwered, they had no buſineſs with it, they were to carry what his majeſty ſent, were it the ſong of Robin Hood and Little John. Whitlock ſays, That the commiſſioners were much diſſatisfied with their treatment, and wondered at the little policy of the King's behaviour.

much

* The queen, on the earl of Eſſex's repair to the Weſt, having in vain ſolicited him for a ſafe-conduct to Bath, retired from Exeter to Paris. On receiving an account of the treaty's taking place, ſhe, in a letter to the King, upbraided him with acknowledging the two houſes at Weſtminſter to be the parliament of England. To this the King returned, "As for my calling thoſe at London a parliament, I ſhall refer thee to Digby for particular ſatisfaction of this in general; if there had been but two beſides myſelf of my opinion, I had not done it; and the argument which prevailed with me was, that the calling did no way acknowledge them to be a parliament: Upon this condition and conſtruction I did call them, but no otherwiſe; and accordingly it is regiſtered in the council-books, with the council's unanimous approbation. But thou wilt find that it was by misfortune, not by neglect, that thou haſt been no ſooner advertiſed of it."

Ann. 1644. cepted of a ſafe-conduct for their commiſſioners * as to private perſons. When theſe repaired to Oxford, they were received by the King with a coldneſs which bordered on rudeneſs: The accommodations prepared for them were worſe than indifferent †; and on the King's finding they had no power to bring matters to a concluſion, they were treated with uncivil language ‡.——The diſſenſions which every day encreaſed in parliament, and on which the King had ſo

* The earl of Denbigh, lords Maynard, Wenman, Maitland, the hon. Denzil Hollis, the hon. William Pierrepoint, Sir Charles Erſkyn, Bulſtrode Whitlock, Eſq; Mr. Robert Barclay. *Parl. Hiſt.* vol. XIII. p. 330.

† Whitlock, in his account of this embaſſy, ſays, That at Wallingford, Blake (the governor of the garriſon) treated them with ſo much haughtineſs and incivility, and ſuch high words paſſed between him and the lord Denbigh, that lord Maitland turned pale, and he and other of the commiſſioners feared they ſhould have their throats cut by the garriſon; that when they arrived at the gates of Oxford, they were ſuffered to remain three or four hours in the open field before they gained admittance, though the weather was both wet and cold; that as they paſſed along the ſtreets, the vulgar ſort, for whoſe rights and liberties they had, as he obſerved, undergone great hazards, reviled them with the appellation of traitors, rogues, and rebels; and that the quarters provided for them was a mean inn, a little degree above an alehouſe, in which retreat their ſervants were abuſed ſo groſsly by the King's officers, that the whole company began to fear there was ſome deſign laid againſt their lives. *Whitlock.*

‡ They were told, that a letter-carrier might have done as well; were refuſed other than a written anſwer, ſealed up, without a direction; and, on their demanding a copy, were anſwered, they had no buſineſs with it, they were to carry what his majeſty ſent, were it the ſong of Robin Hood and Little John. Whitlock ſays, That the commiſſioners were much diſſatisfied with their treatment, and wondered at the little policy of the King's behaviour.

much

much preſumed, occaſioned this aſſembly to paſs over Ann. 1644.
theſe affronts, and, on condition that it was aſked of them as the parliament of England, to aſſent to what the King demanded, viz. the granting a paſſport for the duke of Richmond and the earl of Southampton to come to London with an anſwer to their propoſitions. To humor the ſtrong inclinations of his party to a peace, and under the ſhelter of a mean ſubterfuge *, the King complied with this demand: But, on the repair of the two peers to London, it was found they were ſent on other buſineſs than that which the King had pretended; ſeeing the meſſage they brought was, that his majeſty found it very difficult, before a full debate, to return an anſwer to the parliament's propoſitions; but if they would appoint commiſſioners, he would nominate the like number to treat with them, at any place which ſhould be agreed on. The arrival of two peers on ſo frivolous an errand gave ſuch diſguſt to the parliament, that they ſtrictly enjoined their members not to viſit or

* The queen, on the earl of Eſſex's repair to the Weſt, having in vain ſolicited him for a ſafe-conduct to Bath, retired from Exeter to Paris. On receiving an account of the treaty's taking place, ſhe, in a letter to the King, upbraided him with acknowledging the two houſes at Weſtminſter to be the parliament of England. To this the King returned, "As for my calling thoſe at London a parliament, I ſhall refer thee to Digby for particular ſatisfaction of this in general; if there had been but two beſides myſelf of my opinion, I had not done it; and the argument which prevailed with me was, that the calling did no way acknowledge them to be a parliament: Upon this condition and conſtruction I did call them, but no otherwiſe; and accordingly it is regiſtered in the council-books, with the council's unanimous approbation. But thou wilt find that it was by misfortune, not by neglect, that thou haſt been no ſooner advertiſed of it."

Ann. 1644. keep any correſpondence with them, without leave *. ——After many debates and deliberations †, the following articles were propoſed by the parliament, and conſented to by the King: That their commiſſioners ſhould meet with his at Uxbridge, a town in the parliament's quarters, between London and Oxford; that the conferences ſhould begin on the thirtieth of January, and ſhould laſt twenty days; that the propoſitions on both ſides ſhould be reduced to three heads, viz. religion, the militia, and Ireland; and that each of theſe ſhould alternately be treated on, three days and three days, till the expiration of the term fixed for the continuance of the treaty. "Know, as a certain truth, ſays the King in a letter to his queen, that all, even my party, are ſtrangely impatient for peace, which obliged me ſo much the more on all occaſions to ſhew my real intentions to it; and likewiſe, I am put in very good hope, ſome hold it a certainty, that if I ſhould come to a fair treaty, the ring-leading rebels could not hinder me from a good

* Though the King's two meſſengers pleaded his commands not to depart from London till they ſhould receive orders from him, yet the parliament would not let them remain in the capital during the ſettling the particulars of a treaty. Whitlock obſerves, That theſe lords, and all their attendants, were treated in a very different manner from what the parliament's commiſſioners were at Oxford; that is, they were uſed civilly. *Parl. Hiſt.* vol. XIII. p. 356. *Whitlock.*

† The parliament, according to their declaration, that all patents of honor which had paſſed under the great-ſeal ſince the King left Oxford ſhould be void, refuſed in their ſafe-conduct to give any other titles to the King's commiſſioners than thoſe they had held before he left London. This occaſioned a great interruption; but at length the King waved his objection to the ſafe-conduct, on the parliament's acknowledging his power of making knights.

peace;

peace; firſt, becauſe their own party are almoſt weary Ann. 1644.
of the war, and likewiſe for the great diſtractions which at this time are moſt aſſuredly amongſt themſelves, as Preſbyterians againſt Independents in point of religion, and general againſt general in point of command." Agreeable to theſe fond expectations were the inſtructions given by the King to his commiſſioners: "For religion, ſays he, I muſt declare unto you, that I cannot yield to the change of the government by biſhops, not only as I concur with the general opinion of Chriſtians in all ages, that it is the beſt, but I likewiſe hold myſelf bound, by the oath I took at my coronation, not to alter the government of this church from what I found it; and as for the church's patrimony, I cannot ſuffer any diminution or alienation of it, it being without peradventure ſacrilege, and likewiſe contrary to my coronation-oath: But whatſoever ſhall be offered for rectifying abuſes, if any have crept in, or yet for the eaſe of tender conſciences, ſo that it endamage not the foundation, I am content to hear, and will be ready to give a gracious anſwer thereunto. For the ſecond, as it is the King's duty to protect the church, ſo it is the church's to aſſiſt the King in the maintenance of his juſt authority; wherefore my predeceſſors have been always careful, eſpecially ſince the Reformation, to keep the dependance of the clergy entirely upon the crown; therefore you muſt do nothing to change or leſſen this dependancy. After conſcience, the militia is certainly the fitteſt ſubject for a king's quarrel; for without it the kingly power is but a ſhadow, and therefore upon no means to be quitted, but to be

Ann. 1644. maintained according to the ancient known laws of the land. As for Ireland, I confeſs they have very ſpecious popular arguments to preſs this point; the gaining of no article is more conducing to their ends than this; and I have as much reaſon, in both honor and policy, to take care how to anſwer this as any: All the world knows the imminent inevitable neceſſity which cauſed me to make the Iriſh ceſſation, and there remain yet as ſtrong reaſons for the concluding that peace; wherefore you muſt conſent to nothing to hinder me therein, until a clear way be ſhewn me how my Proteſtant ſubjects there may, probably at leaſt, defend themſelves, and that I ſhall have no more need to defend my conſcience and my crown from the injuries of this rebellion." On comparing theſe inſtructions with the preſent power of the parliament, and the propoſitions they had tranſmitted to Oxford, it will be eaſy to foreſee the event of the Uxbridge conference; which ſerved no other purpoſe than to expoſe the King's obſtinacy, and the formal ſtiff impertinence of his commiſſioners *.

* The commiſſioners on the King's ſide were, the duke of Richmond, the marquis of Hertford, the earls of Southampton, Kingſton, and Chicheſter, the lords Capel, Seymour, Hatton, and Colepeper, Sir Edward Hyde (chancellor of the exchequer), ſecretary Nicholas, Sir Edward Lane, Sir Thomas Gardener, Sir Orlando Bridgman, John Aſhburnham, Jeoffrey Palmer, Eſqs. Dr. Stewart, Dr. Lancy, Dr. Sheldon. The commiſſioners for the parliament and the Scots were, the marquis of Argyle, the earls of Northumberland, Pembroke, Saliſbury, Denbigh, and Loudon, lords Wenman, Maitland, Balmerino, the honorable Denzil Holles, the honorable William Pierrepoint, Sir Henry Vane junior, Oliver St. John, Bulſtrode Whitlock, John Crew, Edmund Prideaux, Eſqs. Johnſon, Erſkyn, Dundas, Smith, Kennedy, Berkeley, Henderſon.

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Ann. 1644. Treaty at Uxbridge.

It is from Sir Edward Hyde's elaborate pen, who makes himſelf the hero of the treaty, that we have handed down the following particulars. One Dr. Stewart, on the part of the King, and Henderſon (the moderator of the Scotch aſſembly), on the part of the parliament, firſt entered the liſts on the ſubject of religion. Henderſon aſſerted, That the conſideration of the aſſembly ought not to run upon the orthodoxy or legality of particular forms of religion, but upon the neceſſity of giving that government to the church which would preſerve the exiſtence of the ſtate: Religion, he ſaid, might be preſerved without biſhops; that the difference between epiſcopacy and preſbytery was immaterial, compared to the dreadful conſequences which would enſue from the King's adhering to the former, after the two houſes, on account of the evils which the pernicious counſels of prelates had, within ten years, brought upon the ſtate, had unanimouſly reſolved againſt it. He farther urged, That no foreign reformed church looked upon epiſcopacy as being of divine right; and that, had the King himſelf conſidered it as ſuch, his conſcience would not have permitted him to conſent to the entire abolition of the epiſcopal order in Scotland. To this moderate, ſenſible diſcourſe Dr. Stewart oppoſed the antiquity of epiſcopacy; the great advantages it had been to Chriſtianity in its early ages; the ſuperiority which the church of England had over all the reformed churches; the indiſpenſible neceſſity of the ſucceſſion of biſhops to tranſmit orders, without which there could be no ſacraments; the deſcent of biſhops from the apoſtles; the obligations the King had

Ann. 1644. had upon his conſcience to maintain epiſcopacy in England, both on account of his coronation-oath, and that the alienation of the church-lands would be direct ſacrilege. As if reaſons of policy were not ſufficient to diſcard any form of government not clearly and abſolutely ordained by God, Dr. Stewart triumphed greatly on Henderſon's modeſty, reſting his argument on that point; and this occaſioned the divines on both ſides to pelt one another for near two whole days, with proofs that their ſeveral profeſſions were *jure divino*, till the marquis of Hertford, to put an end to ſo fruitleſs a debate, gave it as his opinion, that no form of government whatever was *jure divino*; and requeſted that the argument might be left, and the debate on the particular propoſals proceeded on. ——Fanaticiſm was not confined to the clergy: That profound venerator of biſhops, Sir Edward Hyde, entered the liſts with the earl of Loudon; but to ſo little purpoſe, that his antagoniſt complained of the miſſpent time, and lamented the pertinacious obſtinacy of the King's commiſſioners, who, as they had not, he ſaid, yielded in any one point of importance, could not bring with them that hearty inclination to peace which it was hoped they would have done.

On the ſubject of the militia, the parliament commiſſioners ſtood upon the point of ſecurity, whilſt the King's idly inſiſted upon what was formerly legal, according to the practice of ancient times, without regarding expediency, or what was neceſſary to be yielded, to finiſh the calamities which their principal, the King, had ſo much affected to lament. Sir Edward

ward Hyde was as forward to ſhew his knowledge in Ann. 1644. law as in divinity; but, on his throwing out his defiances on the topic of the King's legal power over the militia, he was much ſurpriſed to hear Whitlock offer to prove, that it was not entirely ſettled by the conſtitution in whoſe hands the ſword ought to be lodged. As the debate on the ſubject of religion had ſpent much time to no purpoſe, the hearing of this was declined on a motion of the earl of Southampton; but the parliament's commiſſioners were ſo well pleaſed with Whitlock, that they thanked him for having vindicated the honor of the parliament in this important point.

To the ſtrong things urged by the parliament againſt the Iriſh ceſſation, was retorted the little attention this aſſembly had ſhewn to the wants and ſecurity of the Proteſtants in that kingdom; and the falſe plea of Neceſſity was uſed to juſtify the King's conduct in regard to the deſtructive and infamous treaty he had concluded with the Iriſh rebels. On this fruitful ſubject, mutual reproaches were banded from ſide to ſide; both facts and inferences were diſputed, nor the leaſt conceſſion yielded by either party.

On the ſubject of the militia, the parliament receded ſo far from their propoſition, as to offer to limit their power over it to the term of ſeven years from the time of paſſing the militia ordinance, or to three years after the peace ſhould be ſettled in the three kingdoms, and ſhould be ſo declared by the King and both houſes; and that, after the expiration of

Ann. 1644. of ſuch term, the militia ſhould be eſtabliſhed by the King in ſuch manner as ſhould be adviſed by parliament *. Conſidering the fears and jealouſies which the whole party had entertained of the King, a conceſſion of this importance, on an article of whoſe conſequence they were all agreed on †, ſhews the parliament to be at this time very deſirous of peace. Not ſo was the King, on any terms but thoſe of a full re-eſtabliſhment of his prerogatives ‡: In vain did his friends repreſent to him the advantage of ſuch an offer in the low condition of his affairs; that it would procure him a chance of forming, during the intermediate period, a party in the parliament

* The parliament were informed of every particular ſtep taken in this treaty, and no anſwer was given to the King's commiſſioners without their approbation. *Parl. Hiſt.* vol. XIII. p. 403.

† Clarendon ſays, That even thoſe who moſt deſired peace, both publicly and privately, inſiſted upon having the whole command of the militia by ſea and land, and all the forts and ſhips of the kingdom at their diſpoſal, without which they looked upon themſelves as loſt, and at the King's mercy. The utmoſt length the King would go in his conceſſions on this article was, that the militia ſhould be entruſted for the term of ſeven years to twenty commiſſioners, half of whom were to be nominated by the King, and the other half by the parliament. This propoſition was treated by the parliament with the contempt it deſerved: They regarded it as a ſnare to entice them to give up their preſent ſuperiorities, and thus to enable the King to renew the war to advantage.

‡ Whitlock ſays, That the King's commiſſioners did not deliver in their anſwer concerning the militia till the laſt point of time, when it might be conceived no anſwer could be made to it by the parliament's commiſſioners; but that theſe, being impowered by their additional inſtructions to re-aſſume the buſineſs of the militia, according to the commands of the parliament, delivered in the propoſals mentioned in the text.

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which ſhould reſtore him to his former privileges: Ann. 1644.
Charles, wholly directed by the queen, who feared that the intereſt and perſons of the Roman-Catholics would be ſacrificed as a preliminary to the concluſion of a treaty *, abſolutely refuſed the parliament's offer. And thus, when the debates had been carried on to no purpoſe during the aſſigned term, ended the treaty at Uxbridge †; and thus the King loſt the ſe-

* "I underſtand the commiſſioners are arrived at London, writes the queen: I have nothing to ſay, but that you have a care of your honor, and that if you have a peace, it may be ſuch as will hold, and, if it fall out otherwiſe, that you do not abandon thoſe who have ſerved you, for fear they do forſake you in your need. Alſo, I do not ſee how you can be in ſafety without a regiment of guards; for myſelf, I think I cannot be, ſeeing the malice they have againſt me and my religion, of which I hope you will have a care of both."—The queen, in another letter, repeats her intreaties, or rather commands, neither to abandon Catholics nor biſhops; and the King anſwers, He will do nothing unworthy of her love; that he will ever ſhew his conſtancy in adhering to biſhops and all his friends; that he will not forget to put a ſhort period to this perpetual parliament; and conjures her not to let any appearance of peace, or hopeful condition of his, make her neglect to haſten ſuccor for him. He deſires her to ſhew the French queen and miniſtry the improbability that the treaty ſhould produce a peace, conſidering the great difference, if not contrariety of grounds between the rebels propoſitions and his; that he could not alter his, nor would they theirs, till they were out of hope to prevail by force, which a little aſſiſtance by the French queen's means would ſoon make them to be; that if ever he could put them to a defenſive, which a reaſonable ſum of money would do, they would be ſoon brought to reaſon.

† The concluſion of this fruitleſs treaty, though lamented by all the moderate and ſenſible men of the King's party, who were his real friends, and no enemies to the conſtitution, was regarded by the King as a matter of rejoicing: "Now if I do any thing unhandſome or diſadvantageous to myſelf or friends, ſays he, it will be merely my own fault; for I confeſs, when I wrote laſt I was in fear to have been

Ann. 1644. cond opportunity which, since the commencement of the war, had been presented to him of a peaceful

prefſed to make ſome mean overtures to renew the treaty, knowing there were great laborings to that purpoſe; but now I promiſe thee, if it be renewed, which I believe it will not without ſome eminent good ſucceſs on my ſide, it ſhall be to my honor and advantage, I being now as well freed from the place of baſe and mutinous motions (that is to ſay, our mungrel parliament here) as of the chief cauſers; from whom I may expect to be chidden by thee, for having ſuffered thee to be vexed by them." In the whole of the King's private correſpondence, which accident brought to public view, there is no letter which more fully than this ſhews the inſincerity of his conduct, or his enmity to the conſtitution. Notwithſtanding his paſſionate expreſſions of affection to peace, ſo profuſely ſet forth to the people, it appears that he never conſented to a treaty whilſt the parliament were in a ſituation to defend their pretenſions or the liberties of the conſtitution, but to ſilence the importunate ſolicitations of his own party, and with no intention to bring it to the wiſhed-for concluſion; and that the privileges of parliament the moſt inoffenſive to monarchical pride, and the moſt moderately uſed, were diſtaſteful and odious to him. The Oxford aſſembly, compoſed of his friends and followers embarked with him in the ſame cauſe, for expreſſing, in a point of the utmoſt importance to their own intereſt and ſecurity, an opinion differing from his inclinations, were regarded with almoſt an equal degree of hatred and ſcorn as the two houſes at Weſtminſter.

Whitlock writes, That the laſt day of this treaty the two houſes ſat very late, in expectation of ſome good news from Uxbridge; that at eight o'clock in the evening the Lords communicated to the Commons a paper from the King's commiſſioners, which propoſed his majeſty ſhould come to Weſtminſter upon a ſafe-conduct, provided the treaty might be continued for a longer term; but that a letter arriving at the ſame time from the parliament's commiſſioners, relating that there appeared no compliance in the King's commiſſioners to grant any of the propoſitions, the parliament determined againſt prolonging the treaty. The King had been frequently adviſed by his beſt friends to repair to London, without the ceremony of a ſafe-conduct; but the going to London at all without an army, though much apprehended by the parliament, was never in the King's thoughts, and, as he obſerved

poſſeſſion of all the moderate and ſafe prerogatives Ann. 1644.
which attend monarchical condition, with many a fair chance of regaining by intrigue a great part of his former power *.

ſerved to the queen, at this time only flung out as having much force of popular rhetoric with it; "For as for truſting the rebels, ſays he, either by going to London or diſbanding my army before a peace, do no ways fear my hazarding ſo cheaply or fooliſhly, for I eſteem the intereſt thou haſt in me at a far dearer rate, and pretend to have a little more wit."

* In the midſt of the career of the King's fortune, immediately before the ſiege of Gloceſter, the Lords voted propoſitions of peace to be immediately ſent to the King at Oxford; nor could the lower houſe have raiſed a party powerful enough to have withſtood the ſtrong inclinations which at this time prevailed for a reconciliation with him, had it not been for a kind of denunciation of vengeance againſt all thoſe who had been active in the oppoſition, at this time ſet forth in a declaration, and which aſperſed the leaders of the popular party in both houſes with the names of ſeducers, odious rebels, murderers, and ſtate-impoſtors: "If thoſe invectives and menaces, ſays Acherley, had been omitted, and proper lenitives to particular men had been inſerted and applied, a treaty at this time muſt neceſſarily have been embraced, and probably had ended in a good agreement; for no conjuncture ever afforded the King ſuch an advantageous and powerful opportunity."

Mr. Hyde, afterwards earl of Clarendon, in the Hiſtory of his own Life, avows himſelf to be the penner of this declaration; and tells on this ſubject a curious anecdote of the King's opinion and inclinations, which confirms the juſtneſs of the fears and jealouſies expreſſed by the parliament. Previous to the publiſhing the fore-mentioned declaration, the King obſerved to Mr. Hyde, That he had hitherto done too much honor to thoſe rebels at Weſtminſter, by his mentioning them in his declarations as part of the parliament, which, as long as they ſhould be thought ſo to be, they would have more authority by their continuing ſitting in the place whither they were firſt called, than all the other members, though more numerous, would have when they ſhould be convened any where elſe; that he knew no reaſon why he ſhould not poſitively declare them to be diſſolved, and ſo forbid them to ſit

Ann. 1644. Trial, execution, and character of Laud.

Rushworth. Whitlock. Collier. Wood.

THIS treaty of Uxbridge, which so fully exposed the determined resolution of both parties, had been immediately preceded by the trial, condemnation, and execution of William Laud, archbishop of Canterbury. Though this unhappy prelate had endured with great patience an imprisonment of more than three years, yet he had so far continued his non-compliance with the parliament as obstinately to refuse, at first their recommendation, and then their peremptory orders, to collate one Mr. Corbet to the living of Chartham in Kent: This stubborn conduct brought

or meet any more—he knew learned men of the opinion, that the act for the continuance of the parliament was void from the beginning, and that it was not in the power of the King to bar himself from the power of dissolving it, which was to be deprived of an essential part of his sovereignty; but, if the act were good and valid in law, the parliament had dissolved themselves by their force in driving so many members, and even his majesty himself, who was their head, from the parliament, and had forfeited their right of sitting, and all which the act had given them, by their treason and rebellion, which their very being a parliament could not support; therefore he wished that a proclamation might be prepared to declare them actually dissolved, and expressly to forbid them to meet, or any body to own them or submit to them as a parliament. Hyde, who knew the sense of the generality of the King's own party on this subject, dissuaded him from this destructive measure, as a step which would confirm all the reproaches which the parliament had flung upon him, and provoke many of his own followers to desert him; that, for the invalidity of the act, he was inclined to hope it was originally void on the grounds and reasons his majesty had mentioned; and that the parliament itself, if the rebellion was suppressed, might so declare it; but till then he thought all the judges together, even those who were in his majesty's own quarters, would not declare any such invalidity. On these reasons, urged by Mr. Hyde, the King declined his first proposal; and Mr. Hyde was ordered to put his conceptions of the matter in writing. *Clarendon's Life*, vol. I. p. 169, *& seq.*

upon

upon him the severe ordinance for the suspension of his archiepiscopal jurisdiction, and the seizing his temporalities into the hands of the parliament *. Notwithstanding the repeated cry of the populace to bring this great offender to justice, his trial had been of necessity thus long retarded, from the scantiness of the evidence to prove the charge which had been brought against him: Proceedings on this business had met with some interruption from the death of Mr. Pym; but were afterwards prosecuted with great vigor, animosity, and bitterness by Prynne, a member in this parliament, and the same lawyer who had been persecuted with such tyranny and cruelty by Laud, in the triumphant days of the church. He now experienced, from this exasperated sufferer, the same rigor which he had in such full measure meted out to others, the same barbarous insults from the tools of power, and the same unjust seizing of papers, not only to prove those facts with which he already stood accused, but to frame others, and to deprive

Ann. 1644.

* The King was so careless and improvident of the archbishop's safety, as to prompt and urge him to this impolitic dangerous stubbornness, by sending him, first, an order to give Chartham to one Mr. Reading, or, if otherwise commanded by the parliament, then to let it lapse to the crown; and afterwards sent him a general order, requiring, that as often as any benefice, or other spiritual promotion, in his gift, should fall void, that he should dispose of it to only such as his majesty should name to him; or, if any command lay otherwise upon him from either or both the houses of parliament, he should then let them fall into lapse. These unfriendly injunctions were obeyed by Laud, till the ordinance mentioned in the text passed. *The History of the Troubles and Trial of Laud*, p. 200, 203.

him

Ann. 1644. him of the neceſſary materials for his defence *. Ten additional articles, by means of the fore-mentioned evidence, were ſent up by the Commons to the Lords, on the twenty-fourth of October 1643. The charge, when reduced, conſiſted of three general heads; viz. a traitorous endeavor to ſubvert the fundamental laws of the realm, and to introduce arbitrary and tyrannical government; a traitorous endeavor to ſubvert God's true religion by law eſtabliſhed, and inſtead thereof to ſet up Popiſh ſuperſtition and idolatry; an endeavor to ſubvert the rights of parliament, and the ancient courſe of parliamentary proceedings. This, according to the precedent which this parliament had made in the year 1640, was urged as a charge of accumulated treaſon; but the crimes of Laud and thoſe which had been proved againſt the earl of Strafford differed widely: Strafford had in his own perſon, in many inſtances, infringed the conſtitutional liberty of the ſubject; it had been proved that he had preſſed the King to enlarge his commiſſions, both as preſident of the court of York and deputy of Ireland, beyond their legal bounds: The acts of tyranny which had been perpetrated by Laud were the iniquitous decrees of courts, in which he only had a ſingle voice; courts which the power of parliament had aboliſhed, without paſſing any cenſure on the individuals who had compoſed them—"How can that be treaſon in me, urged this unhappy prelate, which

* Laud tells us, That of twenty-one bundles of writing which he had prepared for his defence, and which Mr. Prynne took from him, he could never get above three back again. *Laud's Trial*, p. 205, 211.

is

is not made ſo much as a miſdemeanor in any of my fellow-commiſſioners *?" The earl of Strafford, to humor a vicious ambition, had acted contrary to his better judgment and declared notions: Laud, a ſuperſtitious churchman, who had ſtudied little elſe than canon-law, and the doating opinions of the fathers, was entirely ignorant of the utility, equity, and beauty of civil and religious liberty; was himſelf impoſed on before he endeavored to impoſe on others; and became a zealous inſtrument of tyranny even for conſcience ſake. The earl of Strafford had enriched both himſelf and his maſter with plunder extorted from the ſubject: No act of rapacity was alleged againſt Laud; it was notorious that he had ſpent his whole income in what he ignorantly thought was the ſervice of the public. In the bill of attainder which had paſſed againſt the earl of Strafford, there is expreſly declared a treaſon within the ſtatute of the twenty-fifth of Edward III. But no ſuch article was pretended to lie againſt the archbiſhop.——To thoſe meaſures which had been inductive to the Scotch commotions, and to the breach of the pacification made with that nation, he had pleaded the act of oblivion; and that plea had been generouſly granted him by the two houſes.—To that part of his charge which relates to an endeavor to ſubvert God's true religion by law eſtabliſhed, and inſtead thereof to ſet Ann. 1644.

* The Commons urged, That the moſt iniquitous of theſe ſentences were procured by the archbiſhop's undue influence: But this fact, if true, could never be proved; and, could it have been proved, it equally aggravated the crimes of the other individuals who compoſed theſe courts.

up

Ann. 1644. up Popiſh ſuperſtition and idolatry, he was particularly ſtrong in his defence, and the allegations to ſupport the charge were particularly vague and trifling. The truth is, thoſe ſuperſtitious ceremonies which he with ſo much blind zeal had endeavored to revive, and which were ſo juſtly ridiculed and abhorred by the more enlightened Proteſtants, were the diſcipline of the firſt reformers in this country, and had the ſanction both of the civil and eccleſiaſtical power: Reformation had begun in England at the wrong end; it was firſt adopted and modelled by government, inſtead of being forced upon government by the general ſenſe of the people; and thus, to farther the ambitious views of the monarch, and to gratify the pride of the prelacy, a great part of the myſtery of Popery was retained in the doctrine, and a great part of the puppet-ſhews of the Papiſts in the diſcipline, of the church of England *. Though the genius of reformation had ſo far prevailed, that, before the promotion of Laud to the archiepiſcopal ſee of Canterbury, many ſuperſtitious ceremonies obſerved by the firſt reformers, and others directed by law, had in practice been laid aſide, yet they had not been aboliſhed by any act of legiſlation; nor in all the long liſt of ſuppoſed innovations charged againſt him was there one to be found which was not warranted by

* It is obſervable, that the moſt obnoxious of thoſe ceremonies which Laud ſo childiſhly inſiſted on, were eſtabliſhed at the reſtoration, and have been ever ſince regularly practiſed in the church; and that many of his moſt offenſive meaſures have been adopted by revolution miniſters, ſuch as the nominating clergymen to be juſtices of the peace, with reſtraints laid on marriage.

pre-

precedent, or by the inſtructions ſet forth by that Ann. 1644.
politic tyrant Elizabeth and her obſequious parliament.—To as little purpoſe did the Commons endeavor to prove the delinquent guilty of ſetting up a power in the church independant of the regal *: The King, who regarded the ſucceſs of Laud's projects as neceſſary to the ſucceſs of his own ſchemes for deſpotiſm, had freely lent him all his power, which in eccleſiaſtical matters was great; and Laud had cautiouſly taken no ſtep towards the ſettlement of

* The ſtrongeſt evidence produced againſt Laud was relative to the third head of his charge; viz. an endeavor to ſubvert the rights of parliament, and the ancient courſe of parliamentary proceedings. Theſe were, an anſwer to the remonſtrance of the Commons, made the ſeventeenth of June 1628; with a paper concerning a declaration of the King, ſet forth on the twenty-eighth of January 1628, found in his ſtudy in his hand-writing, and endorſed by him. The delinquent, by the following obſervation, in a manner acknowledges the force of this evidence: "In this diligent and curious ſearch, for Mr. Prynne's malice made it, they found ſome papers concerning parliaments; no other, I praiſe God for it, than ſuch as with indifferent conſtruction might I hope well paſs, eſpecially conſidering what occaſion led me, and what command was upon me; and as I have been told by able and experienced men, they would have been nothing had they been found in any but this troubleſome and diſtracted time about the rights of parliament, as it is ſaid: Howſoever, I was moſt unfortunate they ſhould be now found; and I had not left them a being, but that I verily thought I had deſtroyed them long ſince."

It appears in this trial, and by the printed votes of this parliament, that the oath given to king James differed in two very material paſſages from thoſe which had been taken by his predeceſſors: One was an addition, namely, "agreeable to the King's prerogative;" the other an omiſſion, namely, "laws which the people ſhall chooſe." *Laud's Trial*, p. 319, 355.

Ann. 1644. the diſcipline of the church, unwarranted by royal authority *.

On ſerjeant Wild, Brown, Maynard, Nicholas, and Hill, all members of the houſe of Commons, and lawyers, was impoſed the invidious taſk of managing the charge againſt him; whilſt his eſpecial enemy, Prynne, was employed to provide and prompt the evidence †. Like true lawyers, they played their parts in baiting the unhappy priſoner with the moſt acrimonious and inſulting language; like true lawyers, they took all the unfair advantages which their offices and other opportunities procured them; and like true lawyers, they put a forced and unwarrantable conſtruction on all the facts which they cited againſt him. The behaviour of the priſoner through the whole of his tedious trial, for it laſted twenty days ‡, did great honor to his temper; and his an-

* Well as Charles loved, and highly as he venerated, the church, he idolized yet more his own power; and it is plain, by his inſtructions to his ſecretary Nicholas on the Uxbridge treaty, and many other circumſtances of his life, that his great attachment to the prelacy, and his ſchemes for enlarging their property and dominion, had principally their riſe from the adulation they paid him, and the perſuaſion that this body of men would uſe their influence over the conſciences of his ſubjects, and all the power he gave them, to infuſe and ſupport the doctrine of paſſive obedience to the crown.

† If we may believe Laud's account of his trial, Mr. Prynne kept a ſchool of inſtruction for the witneſſes, who were an hundred and fifty in number, and tampered with them in a very ſhameful manner. *Laud's Trial*, p. 219.

‡ The trial began on the twelfth of March 1643, and was not finiſhed till the twenty-ninth of June 1644. Laud complains, that he was

ſwer, which was both rhetorical and argumentative, Ann. 1644.
proclaimed his abilities.—On the ſecond of November he was called before the Commons, to hear read a ſummary of his charge; on the eleventh he ſpoke ſeveral hours in his defence at the bar of that houſe; and on the ſame day the Commons paſſed an ordinance which decreed him to ſuffer death, as in caſes of treaſon, with but one diſſenting voice *: On the ſixteenth it was ſent up to the Lords, where the buſineſs ſlept till the ſeventeenth of December, when the Lords, having been quickened by a meſſage from the Commons, and the importunity of ſome of their own members, with a kind of threat that the multitude would force them to do juſtice †, proceeded to the conſideration of every particular of the charge; and, on the twenty-fourth of the ſame month, acquainted the Commons, That they had found the archbiſhop guilty as to matters of fact, but that they deſired farther ſatisfaction in point of law, whether the ſaid matters were treaſon. This produced a conference

was often ſummoned to appear before the Lords, and then ſent back again unheard, to the needleſsly expoſing him to the ſcorns and revilings of the people, and to an expence which he could ill bear, for he never appeared but it coſt him ſix or ſeven pounds a day. The archbiſhop's eſtate and goods had been ſequeſtered; and it was not till towards the end of his trial, and after repeated ſolicitations, that the Commons allowed him two hundred pounds to ſupport his neceſſary expences.

* Notwithſtanding this unanimity, Laud tells us, That when he came to the houſe, the day the bill paſſed, many members complimented him on the anſwer he had given, in a high ſtrain of commendation. *Laud's Trial*, p. 441.

† A petition againſt delinquents, and particularly againſt Laud and the biſhop of Ely, was carried up to the Lords.

Ann. 1644. between the two houſes, in which were urged, by the Commons, ſimilar arguments to thoſe which had been uſed in the earl of Strafford's caſe; and, in two days after the fore-mentioned conference, the Lords paſſed the deſired ordinance *. Laud produced a pardon from the King under the great ſeal; but this being held inſufficient, for two reaſons (firſt, becauſe it had paſſed before the conviction of the delinquent, and, ſecondly, becauſe no bar could be valid againſt the judgment of both houſes), he was ſentenced, by an order of parliament, to ſuffer death, on the tenth of January 1644-5, without other favor than to have one of his chaplains attend him, in the company of two divines of the Commons' appointing, and to have his ſentence altered from hanging and quartering into beheading.

From the time the news reached him of the Lords having paſſed the bill of attainder, he prepared himſelf to die with exemplary piety and courage, and maintained the ſame magnanimity of conduct through all the horrors of his fate. The whole tendency of a long ſpeech, or rather ſermon, which he made on the ſcaffold, was to vindicate the King and himſelf from the intention of introducing Popery into the eſtabliſhed religion, and to perſuade the people to reſubject themſelves to the ancient diſcipline of the church. In this very performance, which was exe-

* There were but fourteen Lords in the houſe when Laud was voted guilty as to matter of fact, and but ſeven ſigned the bill of attainder; viz. the earls of Kent, Pembroke, Saliſbury, and Bolingbroke, with the lords North and Grey of Werk.

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cuted with great art of compoſition, and likewiſe in Ann. 1644. his remarks on the charge which the Scots brought againſt him, he plainly ſhews that his adverſity had not altered his opinions, nor corrected any one of his moſt miſchievous prejudices; and that, had accident re-eſtabliſhed him in his former plenitude of power, he would have run, to the end of his days, the ſame perſecuting courſe for which he now ſuffered *.—Laud was a native of Berkſhire, the offspring of parents who were clothiers by trade; was born at the town of Reading in the year 1573, and received his firſt education at a free-ſchool of the place. At the age of ſeventeen he entered ſcholar of St. John's College, Oxford; and, in due proceſs of time, took the degrees of bachelor, maſter of arts, bachelor of divinity, and doctor of divinity, and was elected preſident of St. John's College. His zeal, which appeared very early in life, occaſioned him to be very offenſive to a conſiderable party in the univerſity: He maintained the neceſſity of baptiſm; that there could be no true church without dioceſan biſhops; and was queſtioned by the vice-chancellor, Dr. Airay, for having preached a ſermon which contained ſundry ſcandalous and Popiſh paſſages. This conduct, which rendered him obnoxious to the zealous Proteſtants, brought him into equal favor with the high church party: Richard Neile, biſhop of Rocheſter, took him under his eſpecial protection, made him his chap-

* Something of the following nature dropped from Laud in the defence he made in the Lords' houſe; viz. That the true religion had ſuffered rather from the relaxation of the church diſcipline than from ſeverity.

lain,

Ann. 1644. lain, beſtowed on him the rectory of Kuckſtone in Kent, and introduced him to the court. He was ſome time prevented from riſing by the indefatigable pains of Abbot, the then archbiſhop of Canterbury, who was well acquainted with the turbulency of his character, and diſapproved his divinity: But, when the influence of this good prelate was on the decline; when James grew intoxicated with the proſpect of a Spaniſh alliance; when he repented him of the doctrine he had ſo warmly maintained againſt Vorſtius; when he began to take the Arminians and Papiſts into his boſom, and diſcard his old fellow-ſectariſts the Calviniſts; when innovations were intended to be introdueed into the Scotch worſhip; Laud, who had by this time wormed himſelf into great favor with the duke of Buckingham, was promoted, as an uſeful inſtrument to help carry on the new meaſures of the court. As chaplain to James, he attended him in his laſt journey to Scotland; was ſoon after promoted to the biſhopric of St. David; and, from the firſt period of Charles's adminiſtration to the aſſembling of the ſecond parliament of 1640, had the entire direction of the eccleſiaſtical government of the country; and, after the death of Buckingham, was one of the King's prime adviſers in all matters of ſtate. The provoking arrogance of his conduct, and the tyranny with which he exerted this plenitude of power, has been already ſet forth in this hiſtory: It is ſufficient here to ſay, that the principles of religion on which he uniformly acted were as noxious to the peace of ſociety as were the principles of the Papiſts; the ſame want of charity, the ſame exerciſe of

of cruelty, the ſame arrogance of dominion, were Ann. 1644.
common to both. Utterly unacquainted with the ſimplicity, charity, and meekneſs of the Goſpel, his character was void of humility and forgiveneſs; nor had he other rule to judge of mens deſervings, but as they were more or leſs attached to the power of the church *. His Diary, which was expoſed by his enemies to the public cenſure †, ſhews him to have been a ſupple fawning courtier, and tha this ſuperſtitions were as contemptible as thoſe which belong

* In the Cambridge edition of the Bible, 1629, a period when Laud was in full power, the explanatory title to the hundred and forty-ninth Pſalm is altered from, "To praiſe the Lord for his victory and conqueſts that he giveth his ſaints againſt all mens power," to "The praiſe given to God for that power he has given to the church to rule the conſciences of men." This innovation is purſued in all the editions from 1629 to 1743.

† This Diary was found by Mr. Prynne in his ſearch into the archbiſhop's papers, and publiſhed by him during his trial. The archbiſhop makes the following obſervation on this incident: "According to the order of the Lords, ſays he, I made the recapitulation of my whole cauſe in matters of greateſt moment; but ſo ſoon as I came to the bar of their houſe, I ſaw every member preſent with a new thin book, in folio, in a blue coat: I heard that morning, that Mr. Prynne had printed my Diary, and publiſhed it to the world to diſgrace me. Some notes of his own are made upon it: The firſt and the laſt are two deſperate untruths; beſides ſome others. This was the book then in the Lord's hands; and, I aſſure myſelf, that time picked for it, that the ſight of it might damp me, and diſenable me to ſpeak. I confeſs I was a little troubled at it; but, after I had gathered up myſelf, and looked up to God, I went on to the buſineſs of the day." In the epiſtle dedicatory, to the right honorable Lords and Commons, prefixed to this work, the author has the vanity to ſay, That a former publication of his had given a deadly blow to the prelatical party. *Laud's Trial*, p. 411, *& ſeq.* *A Breviate of the Life of Laud, publiſhed by Prynne.*

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Ann. 1644. to the weakeſt of women. Upon the whole, his character ſerves as an eminent example to ſhew, that extenſive learning and abilities are not incompatible with a narrow judgment; and that, in all the catalogue of human frailties, there are none which more corrupt the heart, or deprave the underſtanding, than the follies of religion.

THE rank he held in the church and ſtate, during the government of Charles, had occaſioned his prejudices to have been very offenſive to the public, and his miſdemeanors were groſs and many; but ſtill they were more the errors of his judgment than of his will; and for this reaſon, as the juſtice of the country had been ſomething ſatisfied by the death of the criminal Strafford, it would have done honor to the parliament to have left this aged prelate * the example of their mercy, rather than to have made him the monument of their vengeance. Perpetual impriſonment, with no more than a decent maintenance, and the deprivation of his archiepiſcopal function (which of

* Laud was in his ſeventy-ſecond year when he ſuffered death. His literary works were, ſeveral Speeches; ſeveral Sermons; Conference between him and John Fiſher; Anſwer to the Exceptions of A. C. printed with the Conference; Memorables of King James; Anſwer to the Remonſtrance made by the Houſe of Commons in June 1628; Various Letters; Marginal Notes on Rome's Maſter-Piece, publiſhed by Prynne; Diary of his Life; a Manual of Private Devotions; a Summary of Devotions; *Variæ Epiſtolæ ad Clariſſ. Ger. Jo. Voſſium*, printed in a book entitled, *Gerardi Johan. Voſſii & Clarorum Virorum ad eum Epiſtolæ*, Lond. 1690; Hiſtory of his Troubles and Trial; Annual Accounts of his Province, preſented to the King in the beginning of every year; a Speech, or Funeral Sermon, ſpoken by him on the ſcaffold on Tower-Hill immediately before his execution. *Wood's Athenæ Oxonienſes*, vol. II. p. 63, *& ſeq.*

courſe

courſe followed the aboliſhment of that kind of church-government) would have taken away his abilities of doing farther miſchief; and the preſent proſperous ſtate of the parliament's affairs rendered his death a circumſtance of no importance to the public welfare *. It is plain that he fell a ſacrifice to the intolerant principles of the Preſbyterians †, a ſect who breathed as fiery a ſpirit of perſecution as himſelf ‡. Ann. 1644.

* "In this inſtance (ſays a writer of great note, ſpeaking of Laud's ſentence and execution) the public might ſee, that popular aſſemblies, as by their very number they are in a great meaſure exempt from the reſtraint of ſhame, ſo, when they alſo overleap the bounds of law, they naturally break out into acts of the moſt atrocious tyranny and injuſtice." If this obſervation is to be taken as particular to popular aſſemblies, as indeed it can be no otherwiſe conſtrued, is it not a partial repreſentation? Are not the annals of our own, and thoſe of every other ſociety, ſtained with innumerable inſtances of the moſt atrocious of theſe kind of murders, committed even on deſerving men, when regal ſovereigns had power to overleap the bounds, or ſtrain the letter of the law? Was the life and property of the ſubjects of this country ever ſecure, till the ſyſtem of government eſtabliſhed at the Revolution had made many neceſſary limitations to regal power? The unjuſt and cruel judgments which have paſſed upon individuals in thoſe ſocieties, where the ſupreme power has been eſtabliſhed in popular aſſemblies, are not to be mentioned in compariſon with thoſe which have paſſed in all monarchical ſtates, where the regal power was not reſtrained by very conſiderable limitations. *Hume's Hiſtory of Charles I. Quarto Edition*, p. 393.

† Ludlow is of opinion, that Laud's ſentence was paſſed to encourage and pleaſe the Scots, who at this time began to be very troubleſome to the party who had called in their aſſiſtance.

‡ This intolerant ſpirit is fully ſhewn in their denying delinquents the comforts of their religious perſuaſion, under the agonies of a ſentence of death: Of three clergymen whom Laud petitioned might aſſiſt him in his preparations for his exit, there was but one allowed him, and this under the reſtraint of the inſpection of two miniſters

Ann. 1644. It is farther to be obſerved of this prelate, that he is the only individual of that high office in the church of England who ever ſuffered death by the hands of an executioner; though the turbulent ambition of his order have diſturbed the peace of ſociety from the firſt period of church power to the preſent day.

On the ſame day that the Lords concurred with the Commons in the attainder of the archbiſhop, they paſſed an ordinance that the Common-Prayer ſhould be lain aſide, and for the eſtabliſhing a directory of worſhip which had been framed by the aſſembly of divines, and confirmed by the votes of both houſes *.

On the execution of one Howard, a captain, whom the parliament had hanged for deſerting with nineteen troopers to the King, prince Maurice, in revenge, inflicted the ſame puniſhment on a ſea-officer, Turpin by name, a common priſoner of war †. This, and

appointed by parliament. No individual in theſe melancholy circumſtances obtained more favor from the two houſes, and ſome of them not ſo much.

* This directory gives general rules for worſhip, for paſtoral function, and the obſervation of the Sunday.

† Prince Maurice was of the ſame imperious diſpoſition as his brother prince Rupert; and was ſent with the chief command into the Weſt, in the department of the marquis of Hertford, becauſe, as lord Clarendon ſays, the King thought he ſhould ſooner reduce his people by the power of his army than by the perſuaſions of his counſel, and therefore preferred the roughneſs of the one's nature to the lenity and condeſcenſion of the other. The recompence the marquis of Hertford was promiſed for the deprivation of his command was, to be made a gentleman of the King's bed-chamber, and groom of his ſtole. *Clar. Hiſt.* vol. II. p. 240.

ſuch kind of violences committed by the royaliſts, Ann. 1644. produced a parliamentary ordinance, appointing a ſpecial commiſſion for the execution of martial law, with ſevere inſtructions in matters relative to deſertion *. No other revenge was taken for the murder of fourteen innocent clothiers, hanged at Woodhouſe in Wiltſhire by the direction of prince Rupert, than the execution of eight Iriſh priſoners, in conformity to an ordinance forbidding quarter to be given to theſe troops, and which had been occaſioned by the cruelties and diſorders they had every where committed.

The King had by this time repented him of the ill policy of withdrawing his own party from the two houſes at Weſtminſter, and a great number of theſe deſerters from time to time returned to the capital; which being obſerved by the leaders of the party in oppoſition, the parliament were petitioned by the common-council not to receive any of their members who had deſerted them, without their giving ſatisfaction for their fidelity in time to come; and an ordinance, according to a former vote on this buſineſs, declared, That ſuch peers as had deſerted, or ſhould deſert the parliament, ſhould not be admitted without the conſent of both houſes; and that whatſoever member of the houſe of Commons who had ſo offended, or ſhould ſo offend hereafter, and adhere to thoſe who were levying war againſt the parliament,

* The two Hothams and Sir Alexander Carew were tried and condemned by this court.

Ann. 1644. were and ſhould be abſolutely diſabled from ſitting in the houſe of Commons.

Among the number of thoſe, who, in this triumphant ſtate of the parliament's affairs, either were, or affected to be, partizans to the cauſe of Liberty, was the prince Elector-Palatine, who at this time very unexpectedly* arrived in England. He was at firſt regarded in the invidious light of a ſpy for his uncle, and was treated with great coolneſs by the parliament, who gave him to underſtand, that his reſidence in England would neither be advantageous to his own nor the public affairs. The prince received this reprimand with great humility; and gave ſuch ſatisfactory reaſons for his conduct *, that he procured from the parliament a penſion of eight thouſand pounds a year, to be raiſed out of the eſtates of delinquents, and was lodged in an apartment at Whitehall, fitted up on purpoſe for his reception. He was ſeverely reprimanded by the King for coming into the country without acquainting him with his motives; but yet continued his ſubmiſſive behavior to the parliament, and by their permiſſion ſat in the aſſembly of divines †.

* The following were the motives and reaſons which he gave the parliament for his arrival: That his profeſſions and behavior might eraſe thoſe jealouſies which the conduct of his brothers had drawn upon him; and that the enmity he had incurred for his affections to the parliament, and their cauſe, would render his abode in foreign parts unpleaſing and unhappy to him. *Parl. Hiſt.* vol. XIII. p. 279, *& ſeq.*

† Several lay-members, who were of the two houſes, had liberty to debate and give their vote in every matter determined in this aſſembly: of this number were Mr. Selden and Mr. Whitlock. *Ruſhworth.*

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The earls of Holland, Bedford, Conway, and Clare, Ann. 1644. though they had endeavored to atone for paſt offences by attending on the King, and ſerving in his army at the ſiege of Gloceſter, met from the court with a treatment ſo ſupercilious, cold, and reſerved, that they were provoked to fling themſelves upon the mercy of the parliament, and returned again to the capital. After a ſlight confinement, and being debarred admiſſion to this aſſembly, they were reſtored to their former privileges. The earl of Northumberland, who had retired to his houſe at Petworth, with an intention, as it was thought, to make peace with the King, was deterred from the execution of this project by the reception his friends had met with. The earl of Holland, with a view to recover his former favor with the party, on his examination declared, and afterwards publiſhed in a manifeſto, many things to the diſadvantage of the King's reputation; viz. That the ceſſation made with the Iriſh rebels, the great favor Papiſts were in with the King, and the evil meaſures projected and carried on at Oxford *, had obliged him, in point of conſcience, to withdraw a ſecond time from the court.—Among the number of penitents who implored the forgiveneſs and protection of parliament, was Sir Edward Deering, a man of a warm intemperate diſpoſition, and conceited to an high degree of his abilities, which were by no means inſignificant: He was a great zealot for epiſcopacy; but diſliking Popery more than Preſbytery, or not meeting with ſo much countenance from royalty as he

* Something of the ſame nature was aſſerted by the other lords.

expected,

Ann. 1644. expected, he was one of the first who took the advantage of the declaration of both kingdoms for receiving penitents into favor, and alleged the following reasons for his abandoning the court; viz. The fear of being compelled to attend the anti-parliament at Oxford; that the language of clergymen and others of the royal party was, that the King would be forced to make his way to his capital by conquest; that he could never reconcile the cessation in Ireland to the vows made in England; and a conviction of the danger which hung over this country from the prevalence of a Popish faction *.—The disgusts taken at the conduct of the court, and the growing prosperity of the parliament's affairs, occasioned them a daily accession of proselytes: Among these were the earl of Kingston, the young earl of Caernarvon † (whose father had lost his life in the royal cause ‡), and many more noblemen and others of distinction.

* Sir Edward Deering died at his house in Kent, in a few months after his return to the obedience of parliament, and in a week after he had published a treatise, entitled, "The proper Sacrifice against the Doctrine of Transubstantiation." *Rushworth*, vol. V. p. 384.

† This nobleman's father had retired from his command in the West, because the licentiousness which prevailed among the royal troops, and the authority of prince Maurice, prevented him from performing the agreement he had made with the towns of Dorchester and Weymouth. *Clar. Hist.* vol. II. p. 270.

‡ He was killed at the last battle of Newbury. *Clar. Hist.* vol. II. p. 69.

CHAP.

CHAP. III.

Feuds in parliament.——Rise of the republicans.——The army new modelled.——Self-denying ordinance.——Oliver Cromwell distinguishes himself.——The King's sanguine expectations.——Mutinous state of the army.——Military transactions.——Leicester taken and sacked by the King.——His defeat at Naseby.——Good conduct of the new-modelled army.——The behaviour of the King's army and the parliament's contrasted.——Military transactions.——Successes of the parliament.——Surrender of Bristol.——Ruin of the King's affairs.——His unsuccessful messages to the parliament for leave to repair to the capital.——Disunion between the parliament and the Scots.——The King takes refuge in the Scotch camp.——Affairs of Ireland.——The King's private transactions with the Irish rebels, by the earl of Glamorgan.——Peace concluded with the Irish rebels.

THE faction and animosity which had long reigned among the King's enemies, and had given such interruption to the progress of their arms, was, now that their success in the North had something quieted their fears, arisen to a very important crisis. It has been already hinted, that the powerful opposition which the King had met with was grounded more on religious prejudices, on personal dissatisfaction, on the prevalency of a faction about him, on the natural principle of resisting an high degree of oppression, than on any enlarged notions of government; and was more directed to remove present grievances than to avoid the possibilities of evil. That the parliament and their adherents had thus long maintained their

Ann. 1644.

Feuds in parliament.

Ann. 1644. their power and numbers, was entirely owing to the ill management of the court, and the dread which alike infected both parties of falling under the laſh of deſpotiſm, and the provoked reſentment of the queen and the body of Papiſts. The ſevere terms on which the parliament had offered peace to the King were more the cautions than the principles of the Preſbyterians, who had no diſlike to regal authority, nor to tyranny itſelf, provided it was directed according to their own fantaſtic ideas and notions *.

Riſe of the republicans.

Among the numbers who oppoſed power on theſe narrow grounds, ſome few there were who, from the firſt, looked forward to the reformation of the principles, as well as the executive part, of the government. Mr. Hyde, in the Hiſtory of his own Life, ſays, That Henry Martin, ſoon after the commencement of the long parliament, let drop, in a converſation in which he endeavored to divert Mr. Hyde from his attachment to the court, the following republican ſentiment: That he did not think one man wiſe enough to govern them all. The author farther tells us, That this was the firſt word he ever heard any man ſpeak to ſuch a purpoſe; and obſerves, That if it had been at that time communicated or attempted, it would have been abhorred by the whole nation. In all likelihood, according to Mr. Hyde's obſervation, the party who had ſchemed the plan of changing the ſyſtem of government were at this time contemptible in their

* Liberty, in an enlarged ſenſe, was never a general principle of action among the Engliſh,

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numbers; and accordingly we find them continually incurring the cenſure of parliament, for the liberty they took in their ſpeeches with the perſon of the King and royal family, and for the republican ſentiments which they often let fall *. Ann. 1644.

THE animoſity which attends civil contention, from its inſeparable quality, an extreme oppoſition to the principles which direct the conduct of the adverſary, procured them, in the courſe of the conteſt, ſuch a large addition of partizans, that at this period they were not an inconſiderable faction. The firſt attempt which the party made to try their ſtrength in the lower houſe, was in procuring an order to forbid the Tower guns to be fired on the anniverſary of the King's acceſſion; but the next day the order was revoked, by a majority of ſeventy-five againſt fifty-ſeven. The next attempt of the republicans was attended with more ſucceſs. In the month of October 1644, the Commons propoſed to the Lords to melt down the King's magazine of plate in the Tower; and though the propoſition was much combated by the upper houſe, yet the matter was determined according to the inclination of the party.

Parl. Hiſt. vol. XII. p. 208, & ſeq.

Parl. Hiſt. vol. XIII. p. 294, & ſeq.

* On Henry Martin's advancing the following opinion, That it was better one family ſhould be deſtroyed than many, he was ordered to explain what he meant by the expreſſion "one family;" and on his boldly anſwering, "The King and his children," he was committed to the Tower. Sir Henry Ludlow was reproved by the ſpeaker for ſaying, That Charles was not worthy to be King of England; and one Chillingworth was ſent to the Tower for citing examples concerning the depoſing princes. *Parl. Hiſt.* vol. X. p. 503, vol. XII. p. 373. *Nalſon*, vol. II. p. 714.

Ann. 1644. THE nobility, and thoſe of the gentry who expected by the merit of their ſervices to be raiſed to the like diſtinctions, regarded with horror the growth of opinions which tended to reduce all men to that equitable ſtate of equality which is ſo remarkably pointed out by the law of Nature; and in proportion as theſe opinions prevailed in the aſſembly of the Commons, the Lords oppoſed themſelves to their deſigns and determinations. The adjuſting the powers of the committees of both kingdoms, appointed by ordinance of parliament for the carrying on the war, and to farther the effective execution of the treaty concluded between the two nations, had been a matter of great difficulty *; and the Lords, though they had hitherto

* The Commons, in the year 1644, to prevent the King from receiving that good intelligence which he had hitherto had of their deſigns, propoſed the entruſting to a committee of both kingdoms, which had been appointed for the management of the war, a larger power, under an oath of ſecrecy; but the King having yet a party in the upper houſe, and the Lords in general being jealous of the independent principles entertained by ſeveral of the members of that committee, under various pretences objected to the ſmallneſs of their number, the greatneſs of the power with which the Commons propoſed to inveſt them, and eſpecially to the oath of ſecrecy, and to their being charged with the preparing the propoſitions for peace; yet all theſe points, after much controverſy, were carried according to the intentions of the lower houſe.

In the firſt commiſſion, the committee were only to adviſe, and the parliament to determine; but on the Commons finding that theſe open conſultations afforded the King opportunity to procure intelligence of their deſigns, the whole conduct of the war was entruſted to the committee, without reference to the parliament. The committee was compoſed of the ſeven following members of the upper houſe; viz. the earls of Northumberland, Eſſex, Warwick, and Mancheſter, with the lords viſcount Say and Seale, Wharton, and Roberts; the following

joined the Commons in every neceſſary act of autho- Ann. 1644.
rity, yet they had manifeſted, by the reluctant manner of their complying, that ſuch concurrence was rather obtained by force and importunities, than uniformity of judgment or inclination. The commanders in chief, acting with the intention of preſerving monarchical power in the conſtitution, had forborne to ſubdue entirely the King, or to reduce him to a condition in which he ſhould not be entitled to demand conceſſions. The inſincerity of Eſſex is diſcoverable in the plain narration of related facts: The public cauſe had ſuffered greatly from the jealouſy which ſubſiſted between him and Sir William Waller *; and in the laſt battle of Newbury the earl of Mancheſter, who till then had forwarded the war with alacrity, was ſo remiſs in his duty, that he was accuſed by his lieutenant-general, Oliver Cromwell, of having wilfully neglected an opportunity of putting a final concluſion to the war, by a total defeat of the royaliſts. The parliament had ſignified ſo much diſcontent at the event of this engagement, that though Parl. Hiſt. vol. XIII. p. 301.

lowing fourteen members of the houſe of Commons; viz. the Hon. William Pierpoint, Sir Henry Vane, ſen. Sir Henry Vane, jun. Sir Philip Stapleton, Sir William Waller, Sir Gilbert Gerrard, Sir William Armyn, Sir Arthur Hazlerig, John Crew, Robert Wallop, Oliver St. John, Oliver Cromwell, Samuel Brown, John Glynne, Eſqrs. with the earl of Loudon, lord Maitland, Sir Archibald Johnſton of Wariſtoun, and Mr. Robert Barclay. *Parl. Hiſt. Whitlock.*

* As the envy of Eſſex had ſacrificed Waller at the battle of Roundway-Down, ſo the reſentment of Waller ſacrificed the earl of Eſſex in Cornwall; and the mutual hatred between the two generals had occaſioned the King to eſcape from Oxford; beſides the loſs of other leſs important advantages.

Ann. 1644. their generals had written them word they had obtained a great victory over the enemy, yet on the day after they received this news they kept a faſt, which they had appointed to be obſerved monthly (to deprecate the vengeance of God for the ſins of the nation) with great ſtrictneſs, nor would vouchſafe to appoint any thankſgiving. The citizens, in repeated petitions, complained that their wealth was exhauſted to no purpoſe; and the public could no longer endure with patience the ſacrifice of their intereſt to the ſelfiſh views of their ſervants.—This critical juncture of time and opinions afforded the republicans an opportunity to farther the execution of their wiſhes rather than their hopes. They did not fail to circulate the following obſervations: That in the hands of the members of parliament were lodged all the conſiderable commands of the army, and all the profitable offices in the civil adminiſtration; that whilſt theſe individuals multiplied poſſeſſion on poſſeſſion, the body of the people were daily impoveriſhed, and groaned under an unneceſſary yet inſupportable load of taxes; nor could they expect to get rid of their burthens, or ſee an hopeful iſſue to the war, ſo long as their governors were permitted to enrich themſelves by the calamities of the public *.

The army new modelled.

When the minds of the people were ſufficiently warmed with a ſenſe of the injuſtice which had been done them, and were under a full conviction that the

* Arguments like theſe were daily enforced from the pulpit, by thoſe of the miniſtry who inclined to republican principles.

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nation would never be free of its diſſenſions, nor ſuch Ann. 1644.
a victory obtained over the King as would procure a ſafe peace, till the army was put under a new model, this project was by one Zouch Tate moved to the Commons, at a time when they had reſolved themDecemb. 9.
ſelves into a grand committee to conſider of the ſad condition of the kingdom by the continuance of the war *. Tate was ſeconded by Sir Henry Vane, a warm friend to the intereſts of the public; and the motion was ſo well ſupported by the whole republican party, with ſuch ſtrong cenſures on the conduct of the military commanders, and inſinuations that the public began to be weary of the parliament, that the Preſbyterians, who made a large majority in the lower houſe, could not ſtand the attack: A reſolution paſſed, That, during the time of the war, no member of either houſe ſhould have or execute any office or command military or civil, granted or conferred by both or either of the houſes of parliament, or any authority derived from both or either of the houſes; and that an ordinance to ſuch a purport ſhould be accordingly brought in.

On the nineteenth of December, after a faſt had been kept with great ſtrictneſs, in which the miniſters of the republican party had with plainneſs and ſincerity

* Tate was chairman of the committee appointed for the reforming the army. He told the houſe, That the committee had been endeavouring to obey their orders; but found the condition of the army as the phyſician did the caſe of a patient who conſulted him about the cure of a ſlight tumour, when the whole maſs of his blood was entirely corrupted. *Ludlow*, p. 56.

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Ann. 1644. acquainted the parliament with the ſenſe of the public, the ordinance paſſed the houſe of Commons; with a proviſo that it ſhould not extend to any lord-lieutenants, deputy-lieutenants, juſtices of peace, or commiſſioners of Oyer and Terminer *, who were members of either of the houſes of parliament. Such a reformation did the terror of being deſerted by the multitude produce in the whole aſſembly, and ſuch a deſire ſeized them of confuting the calumnies of their enemies by a manifeſt proof of diſintereſtedneſs, that, according to an order paſſed at this time, the ordinance was carried up to the Lords by the whole body of the Commons. Thus did the lower houſe, awed by guilt and cajoled by appearances, depart from a manifeſt rule of policy, and eſpecially to be obſerved where the legiſlative and executive power is lodged in popular aſſemblies; viz. the retaining an inſeparable connexion between the civil and military powers. The truth is, the conduct of the military commanders had diſguſted many even of the preſbyterians; who, as things were at preſent conſtituted, deſpaired of a ſe-

* Before this motion of Zouch Tate, it had been urged in the houſe, that the army was corrupted by thoſe of their officers who held civil employments: a committee had been appointed, on the fourteenth of November, to enquire into the nature and value of all offices and places which had been beſtowed by the parliament, or by virtue or colour of any authority of parliament; what was received by the perſons on whom ſuch offices, places, or other advantages were beſtowed; to conſider what allowance was to be made out of them to the perſons who executed them, and what to the uſe of the public; and to begin firſt with the offices, places, or other advantages, beſtowed upon the members of either houſe. *Journals of the Commons*, Nov. 14.

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cure iſſue to the war, or of ſeeing the King reduced Ann. 1644.
to a condition in which he would be neceſſitated to yield to their deſires in eccleſiaſtical matters. It would have been contrary to the former votes of the parliament, and at this critical time a dangerous meaſure, to fix a cenſure on ſervants who had ſerved them ſpecioufly, if not with the utmoſt integrity: a law, therefore, in which their generals were neceſſarily involved, was a more popular and gracious manner of diſplacing them, than a more particular diſmiſſion.

On the Lords refuſing to paſs the ſelf-denying ordinance, another was ſent up by the Commons, preſcribing a new model of the army, in which Sir Thomas Fairfax, who for his military abilities, his diſtinguiſhed ſervices, and his honeſt zeal in the cauſe of Liberty, ſtood the foremoſt in the opinion of the public *, was, by the unanimous conſent of all parties, appointed commander in chief of a military force conſiſting of twenty-one thouſand men, with the dangerous privilege of nominating the officers under him, and the execution of martial law. After many objections, and ſeveral fruitleſs conferences, the Lords, perceiving the Commons determined on a thorough reformation of the army, acquieſced in the deſired re- Feb. 15.
gulation †. The earls of Eſſex, Denbigh, and Man-

* On the treachery of the Hothams, he had been appointed by the parliament to the government of the town of Hull.

† The ordinance paſſed with a proviſo, That the inferior officers to be nominated by the general, ſhould be approved by both houſes of parliament.

Theſe forces were to be ſupported by a monthly aſſeſſment of nine hundred and fifty-five pounds, to be raiſed proportionably throughout the

Ann. 1644. cheſter, diſguſted with the large authority veſted in Sir Thomas Fairfax, and convinced that the body of nobles were not powerful enough to withſtand the public voice, ſurrendered their commiſſions; for which they received the thanks of Lords and Commons; and

April 3, 1645. the next day the ſelf-denying ordinance paſſed the upper houſe.

Oliver Cromwell diſtinguiſhes himſelf.

THE man who, for his vehement zeal, diſtinguiſhed himſelf the moſt in the cauſe of reformation was Oliver Cromwell, whom courage and activity in the military ſervice had promoted to the government of the iſle of Ely, and the rank of lieutenant-general of the aſſociated forces under the earl of Mancheſter *.

the kingdom. The price of military ſervice was in theſe days ſo high, that the pay of every private trooper and horſeman in this army was two ſhillings. After the paſſing the ordinance, which appointed Sir Thomas Fairfax commander in chief of a new-modelled army, he, by expreſs invitation, repaired to the capital; and, on the day following, was conducted to the houſe of Commons by four of that body. A chair was placed for his reception, but he modeſtly refuſed ſitting, and ſtood with his head uncovered whilſt the ſpeaker, in the name of the houſe, gave him thanks for his paſt ſervices, complimented him on his valor, conduct, and fidelity, and aſſured him of the care and protection of the parliament in diſcharge of that weighty truſt which the kingdom had repoſed in him. The following is the liſt of the head officers in the new-modelled army: Sir Thomas Fairfax, general; Philip Skippon, Eſq; major-general; —— Hammond, Eſq; lieutenant-general of the ordnance; Henry Ireton, Eſq; commiſſary-general of the horſe; colonels of horſe, Middleton, Sydney, Graves, Sheffield, Vermuden, Whaley, Sir M. Liveſey, Fleetwood, Roſſiter, Sir Robert Pye; colonels of foot, Craford, Berkley, Aldridge, Holbourne, Forteſcue, Ingleſby, Montague, Pickering, Welden, Rainſborough. *Whitlock.*

* Oliver Cromwell entered the ſervice with the rank of captain of a troop of horſe, which he had raiſed out of the county to which he belonged:

Cromwell was an enthuſiaſt of the firſt form; and his religious principles being highly puritanical, he had been choſen by that faction to repreſent the town of Cambridge in the three laſt parliaments. Though void of thoſe talents which draw and command the opinions of popular aſſemblies, the buſy zeal of his nature, the ſeeming ſincerity of his character, the vehemence with which he purſued the popular cauſe, the bold intrepidity of his conduct, rendered him an uſeful inſtrument in the hands of the republican faction. Whilſt the generals of the army, imitating the ſtyle of their principals the parliament, at the ſame time that they led on their men to hoſtile acts againſt Majeſty, talked of the ſacredneſs of the King's power and perſon, and puzzled the honeſt ſoldier with the ſenſeleſs contradiction; the more ingenuous Cromwell, diſdaining ſuch low and uſeleſs hypocriſy, cenſured the inconſiſtent delicacy of the preſbyterians as an embarraſſment to the ſervice; and publickly avowed, that tenderneſs was ſo far from being due to the King's perſon, that, as the prime author of the calamities of the times, he ought in juſtice to be one of the prime ſufferers, and that for theſe reaſons he ſhould have leſs ſcruple to attack him in the field than any other man. When others did but venture to inſinuate that there had been a remiſſneſs and negligence in the officers of the army, Ann. 1645.

belonged: they were all freeholders and freeholders ſons, who upon principles of conſcience, not gain, had engaged in the quarrel; and being, like Cromwell himſelf, tinctured with a ſpirit of enthuſiaſm, they were from the firſt the moſt courageous, and became by good diſcipline the beſt ſoldiers among the parliament's forces. *Harris's Life of Cromwell. Whitlock.*

Ann. 1645. with the neceſſity and rectitude of a ſelf-denying ordinance, Cromwell boldly related to the houſe the miſcarriages of the war; obſerved that the military commanders, from the lucre of gain and power, had purpoſely ſpun it out; and that, if the army was not put under a new regulation, the people would become ſo weary of the war, that they would force the parliament to a diſhonorable peace: he ſhewed that the army had proved the nurſery of as brave officers, and as fit for the function of generalſhip, as any were in Europe; that they could have no ſuch influences and views as directed the conduct of the preſent commanders; and aſſerted, that, in proper regard to their own dignity, the Commons ought to new-model their army, and purge themſelves from the reproaches they lay under, by a ſelf-denying ordinance, excluding all members from civil or military poſts. The unexpected bold truths contained in this ſpeech ſo aſtoniſhed the guilty party, that it produced a more ſudden and general acquieſcence than could have been the fruits of the utmoſt powers of rhetoric. The parliament, in the ordinance which appointed Sir Thomas Fairfax commander in chief, acknowledged the propriety of Cromwell's conduct; they made no mention of the King's authority, nor inſerted any clauſe for the preſervation of his perſon; and, when the Lords objected to the novelty, they urged, That ſuch a clauſe muſt either ſuppoſe that the King's coming at the head of an army to fight againſt the parliament was to defend the true proteſtant religion, &c. or to oppoſe theſe, which they knew he did, and in this caſe it would ſeem rather a mockery than a reality; that the King ought

Journals of the Commons, March 29, 1645. vol. IV. p. 93.

ought not to think the parliament obliged by their covenant to preſerve his perſon, when he appeared at the head of an army againſt them; nor ought the ſoldier to forbear his duty by reaſon of his preſence. Thus great was the increaſe of influence which the protraction of the war, occaſioned by the King's obſtinacy, and the negligence or treachery of the parliament-generals, had procured to the republican faction. The citizens acted with ſuch alacrity in raiſing men and money, that there was an immediate proſpect of a ſtronger better-diſciplined army than any the parliament had yet employed. Ann. 1645.

The King's ſanguine expectations.

WHILST the friends of monarchy were daily loſing their power and influence in all departments, whilſt the King's fate was only prolonged for the ſhort period till his enemies could draw out their forces againſt him, he ſtill flattered himſelf with the deluſive hopes that the jarring intereſts of the different parties which formed the oppoſition would reduce all to his ſubjection *.

* The King's opinion of the proſperity of the ſtate of his affairs, after the concluſion of the fruitleſs treaty of Uxbridge, is fully expreſſed in ſeveral of his letters to the queen. In a letter dated March 20, 1644-5, he writes, "I am now full fraught with expectation; I pray God ſend me a good unlading; for I look daily for ſome blow of importance to be given about Taunton or Shrewſbury, and I am confidently aſſured of a conſiderable and ſudden ſupply of men from Ireland. Likewiſe the refractory horſe (as the London rebels call them) may be reckoned in, for yet it is not known what fomenters they have, or whether they have none; if the latter, there is the more hope of gaining them to me: howſoever, I doubt not if they ſtand out, as it is probable, good uſe may be made of them." In a letter dated March 27, "The general face of my affairs begins to mend; the diſſenſions at London rather encreaſing than ceaſing; Montroſe daily proſpering; my weſtern buſineſs mending apace; and hopeful in all the reſt: ſo that if I had reaſonable

Ann. 1645. In all probability, the reſentment of Eſſex and other diſcarded generals would have prompted them to have raiſed a ſtrong commotion in his favor, but for the invincible diſtruſt which they had entertained of his ſincerity, and which his every action ſtrengthened and confirmed *.

ſonable ſupplies of money and powder (not to exclude any other) I am confident to be in a better condition this year than I have been ſince this rebellion began; and poſſibly I may put fair for the whole, and ſo enjoy thy company again, without which nothing can be a contentment to me." In a letter dated March 30, "There are no alterations happened of moment, preparations rather than actions being yet our chiefeſt buſineſs, in which we hope that we proceed faſter than the rebels, whoſe levies both for men and money (for certain) go on very ſlowly, and I believe they are much weaker than it is thought here at Oxford. For inſtance, a very honeſt ſervant of mine, and no fool, ſhewed me a propoſition from one of the moſt conſiderable of the London rebels, who will not let his name be known until he have hope that his propoſition will take effect. It is this; That ſince the treaty is ſo broken off, that neither the rebels nor I can reſume it without at leaſt a ſeeming total yielding to the other, the treaty ſhould be renewed upon thy motion, with a pre-aſſurance that the rebels will ſubmit to reaſon. The anſwer which I permitted my ſervant to give was, That thou art much the fitteſt perſon to be the means of ſo happy and glorious a work as is the peace of this kingdom; but that upon no terms thy name was to be prophaned; therefore he was to be ſatisfied of the rebels yielding to reaſon, before he ſhould conſent that any ſuch intimation ſhould be made to thee; and particularly concerning religion, and the militia, that nothing muſt be inſiſted on but according to my former offers." *Letters publiſhed by the Parliament, entitled, The King's Cabinet opened.*

* Clarendon ſays, That ſeveral of the parliament's commiſſioners for the management of the Uxbridge treaty diſcloſed to the King's commiſſioners their abhorrence of the republicans; related to them the growing power of this party; foretold the change of the ſyſtem of government, if the King did not cloſe with the parliament before the propoſed new model of the army took place; and courted the King to put

Ann. 1645. Mutinous ſtate of the army.

At the critical time whilſt the treaty was yet unconcluded, every day brought freſh accounts to the parliament of the mutinous ſtate of the army, who, according to the cuſtom of ſoldiers, retained a great veneration and reſpect for their old officers. Had this diſpoſition of affairs continued any time, it might

put himſelf at the head of the preſbyterian and ariſtocratic party in parliament, with a promiſe, that if he would put ſuch a face on affairs as to yield to the conditions ſent him, they would ever adhere to his intereſts, drive his enemies out of the kingdom, and regain him all his prerogatives; but that, without his majeſty made the deſired conceſſions, they were now too much in the power of their principals to be of any ſervice to him. The earls of Pembroke and Saliſbury, who, out of fear of their power, always voted with the republican party, were the moſt forward of theſe ſycophant traitors in their offers to the King; but lord Clarendon tells us, That a large ariſtocratic party in parliament was at this time very near as much afraid of the republicans as of the King; and, would he have ſatisfied the Scots on the article of religion, they would have readily cloſed with his own terms. Certainly the obſtinacy of the King, and the guilt of ſeveral of his commiſſioners, who feared the being made a ſacrifice to the reſentment of the parliament, loſt him the opportunity of defeating the views of the republicans. Unfortunately for this unhappy monarch, he always looked upon thoſe even of his own party as enemies who inclined to moderate counſels, and only adviſed with men who were particularly obnoxious to the parliament, and whoſe intereſt and even ſecurity depended on the total deprivation of their power. Sir Edward Hyde, afterwards earl of Clarendon, one of the moſt obnoxious of the royal partizans, one of the commiſſion, and the relator of the above-mentioned anecdotes, plainly ſhews, by dwelling much on the precarious ſituation of the King's followers ſhould a treaty be concluded on the parliament's conditions, that motives of perſonal ſafety and intereſt actuated the conduct of the royal commiſſioners in this treaty; and by a letter, dated Oxford, January 22, 1644, from the King to the queen, it appears, that he had nominated thoſe to be of the commiſſion whoſe averſeneſs to conceſſions they could both depend on. *Clar. Hiſt.* vol. II. p. 444, *& ſeq.* *The King's Cabinet opened.*

have

Ann. 1645. have proved ruinous to the parliament; but, to the reputation of the diſcarded officers, it muſt be obſerved, that they not only themſelves ſubmitted to the commands of the parliament, but perſuaded their ſubalterns to a like conformity *.

Military tranſactions. LANGHORN and Mitton, two active officers in the parliament's ſervice, ſeizing upon the town of Shrewſbury, broke the King's line of communication with Cheſter, and expoſed all North-Wales, Hereford, and Worceſter, to the inroads of his enemies. Lord Goring †, who was preparing to invade Suſſex with an army of three thouſand horſe and fifteen hundred foot, was forced by a party under the command of Sir William Waller to retire to Saliſbury, whilſt Vandruſk, a German officer in the parliament's ſervice, threw a reinforcement into the garriſon of Taunton, which had been a long time blocked up by colonel Windham for the King. Goring, on his diſappointment, was ordered to march towards Dorſetſhire and Somerſetſhire, to join Sir Richard Greenville, who lay with a ſtrong party on the borders of this county, reduce Taunton, Weymouth, Melcomb, and the other ports in the poſſeſſion of the parliament, thus ſecure all Somerſetſhire to the King, and open a paſſage into Devonſhire and Cornwall. To prevent the execution of this plan, Sir Thomas Fairfax, who had now completed his levies, was directed by the committee of

* Whitlock ſays, That the return of the ſoldiers to their obedience was attributed in great meaſure to the prudence and gallantry of major-general Skippon. *Whitlock*, p. 136.

† This officer's father had been lately created earl of Newark.

both

both kingdoms to march with his forces to the Weſt; Ann. 1645. but, on the intelligence that the King was preparing to put himſelf at the head of an army *, he received counter-orders to march back again, and defend the mid-land counties. Theſe commands were immediately obeyed: colonel Welden was detached with three thouſand foot and fifteen hundred horſe towards

* The opinion which the King had of the ſituation of his affairs, in the commencement of this campaign, is expreſſed in ſeveral of his letters to the queen. In one dated May 4, 1645, he expreſſes himſelf thus: "And now if I could be aſſured of thy recovery, I would have but few melancholy thoughts, for I thank God my affairs begin to ſmile upon me again; Wales being well ſwept of the rebels, Farringdon having relieved itſelf, and now being ſecured by Goring's coming; my nephews likewiſe having brought me a ſtrong party of horſe and foot; theſe quarters are ſo free, that I hope to be marching within three or four days, and am ſtill confident to have the ſtart of the rebels this year. I am likewiſe very hopeful that my ſon will ſhortly be at the head of a good army; for this I have the chearful aſſurance of Colepeper and Hyde." In a letter dated May 14, "Upon Saturday laſt I received a diſpatch from Montroſe, which aſſures me his condition to be ſo good, that he bids me be confident that his countrymen ſhall do me no great harm this year; and, if I could lend him five hundred horſe, he would undertake to bring me twenty thouſand men before the end of this ſummer. For the general ſtate of my affairs, we all here think it to be very hopeful; this army being of a good ſtrength, well ordered, and encreaſing; my ſon's ſuch that Fairfax will not be refuſed to be fought with, of which I hope thou wilt receive good ſatisfaction from himſelf. 'Tis true that I cannot brag of good ſtore of money; but a ſharp ſword always hinders ſtarving at leaſt; and I believe the rebels coffers are not very full, (and certainly we ſhall make as good a ſhift with empty purſes as they) or they muſt have ſome greater defect, elſe their levies could not be ſo backward as they are; for I aſſure thee that I have at this inſtant more men in the field than they. I am not very confident what their northern forces are, but, except they are much ſtronger than I am made to believe, I may likewiſe include them."

Taun-

Ann. 1645. Taunton, and the general returned back, and quartered at Newbury.

DURING theſe traverſes of the parliament's forces, the King, having been joined by the princes Maurice and Rupert, on the ſeventh of May had taken the field, with deſign to relieve Cheſter, at this time cloſely beſieged by Sir William Brereton; and from thence to march towards the North, to revenge on the Scots the defeat his forces had met with at Marſton-Moor. In his way to Cheſter he ſtormed and took Hawkſley-Houſe in Worceſterſhire; and in Staffordſhire, having received the different informations that the ſiege of Cheſter was raiſed, and that the city of Oxford was cloſely beleaguered by Sir Thomas Fairfax, he laid aſide his northern deſign, and, with intention to divert the parliament's forces from the ſiege of Oxford, fell upon the town of Leiceſter, which he took by ſtorm on the firſt aſſault *.

Leiceſter taken and ſacked by the King.

ACCORDING to the King's conjecture, the parliament, on the news of ſo important a loſs as the town of Leiceſter, directed their general to raiſe the ſiege of Oxford, and attend the King's motions; who, on the intelligence that his garriſon at Oxford was in diſtreſs, had, immediately after the ſtorming of Leiceſter, ſet

* The whole town was ſacked, and the inhabitants, without diſtinction of friends or foes, plundered and abuſed by his licentious army: thus much is allowed by Clarendon. Whitlock ſays, That the King's forces killed many who aſked for quarter, and put divers women to the ſword; and that the town was miſerably plundered. *Clar. Hiſt.* vol. II. p. 504. *Whitlock*, p. 143, 144.

forward

forward to relieve it. At Harborough receiving the Ann. 1645.
flattering account that Fairfax had drawn off his forces from Oxford, and had been repulſed with great loſs in an aſſault on Borſtal-Houſe in Buckinghamſhire *, he was encouraged to ſeek the enemy, without waiting the acceſſion of two thouſand foot, under the command of colonel Gerrard, expected from Wales, and three thouſand horſe, under the command of colonel Goring, from the Weſt †. A de-

* It was a detachment of Sir Thomas Fairfax's army, under major-general Skippon, which was repulſed by the garriſon of Borſtal-Houſe.

† Clarendon ſays, That, on the above-related intelligence, the royaliſts believed that Fairfax's army, diſpirited with having failed in their two firſt enterprizes, were led out of the way of the King's victorious troops; and that, on this ſurmiſe, they concluded it was beſt to find them out while their fear was yet upon them.

The following letter from the King to the queen, dated June 9, 1645, expreſſes the ſanguine hopes of the royal party immediately before the battle of Naſeby. "Dear heart, Oxford being free, I hope this will come ſooner to thee than otherwiſe I expected, which makes me believe that my good news will not be very ſtale; which, in ſhort, is this: Since the taking of Leiceſter, my marching down hither to relieve Oxford made the rebels raiſe their ſiege before I could come near them, having had their quarters once or twice beaten up by that garriſon, and loſt four hundred men at an aſſault before Borſtal-Houſe. At firſt I thought they would have fought with me, being marched as far as Brackley, but they are ſince gone aſide to Brickhill; ſo as I believe they are weaker than they are thought to be; whether by their diſtractions (which are certainly very great, Fairfax and Brown having been at cudgels, and his men and Cromwell's likewiſe at blows together, where a captain was ſlain) or waſting their men, I will not ſay. Beſides, Goring hath given a great defeat to the weſtern rebels; but I do not yet know the particulars. Wherefore I may (without being too much ſanguine) affirm that, ſince this rebellion, my affairs were never in ſo fair and hopeful a way; though among ourſelves we want not our own follies, which is needleſs, and I am ſure tedious to

Ann. 1645.

tachment of Sir Thomas Fairfax's army falling into the King's quarters before he was aware of his approach, it was determined in a council of war to hazard without delay the event of a battle; and, on the report of a ſcout-maſter, who averred that he could neither ſee or hear any thing of the enemy, prince Rupert, imagining they had retired through fear, drew out a party of horſe and muſqueteers, both to diſcover and engage them. Intoxicated with the idea that they were flying before him, he, on the firſt appearance of their army, advanced ſpeedily forward, and ſent back word to the King to follow with all poſſible haſte: the King complied with this direction, and, quitting a judicious order of battle and a favorable ground, marched up hill to the enemy, who, ſurveying his motions, had leiſure and opportunity to form themſelves to advantage. The main body of their army was headed by Sir Thomas Fairfax and major-general Skippon, the right wing was commanded by lieutenant-general Cromwell, the left by commiſſary-general Ireton, and the reſerves were brought up by Rainſborough, Hammond, and Pride. Lord Aſtley * led up the main body of the royaliſt forces, the King was at the head of the reſerve of horſe, prince Rupert commanded the right wing †,

Clar. Hiſt. vol. II. p. 506, & ſeq.

The King's defeat at Naſeby.

tell thee, but ſuch as I am confident ſhall do no harm, nor much trouble me." *Clar. Hiſt.* vol. II. p. 506. *Letters publiſhed by the Parliament, entitled, The King's Cabinet broke open.*

* Sir Jacob Aſtley, lately created a baron. *Clar. Hiſt.* vol. II. p. 506.

† The King had, to the great diſcontent of his party, ſet aſide his old general the earl of Brentford, and put his nephew prince Rupert into his command. *Clar. Hiſt.* vol. II. p. 427.

and

and Sir Marmaduke Langdale the left. Prince Rupert, with his uſual alacrity, began the attack on the left wing, and with ſuch ſucceſs, that he put them to flight, and chaſed them to the village of Naſeby, notwithſtanding the gallant Ireton made ſuch reſiſtance, that, after he was run through the thigh and wounded in the face, he maintained the combat till he was taken priſoner. The main body of the parliament army ſuſtained a fierce aſſault from the enemy, led on by lord Aſtley and the King himſelf *. Skippon being dangerouſly wounded, was entreated by the general to leave the field, but abſolutely rejected the advice, and proteſted he would not ſtir ſo long as one man would ſtand; whilſt the general himſelf, having had his helmet beat off, rode up and down the field bare-headed, and refuſed to be covered till the fate of the day was determined. The fortunate Cromwell, who commanded the beſt troops in the parliament's ſervice, had equal ſucceſs againſt Sir Marmaduke Langdale † as prince Rupert had had againſt Ireton; but, with ſuperior prudence to that precipitate youth, left a party of his horſe to make head againſt the enemy in caſe they ſhould rally, and

Ann. 1645.

* Whitlock ſays, The King ſhewed himſelf this day a courageous general, keeping cloſe with his horſe, and himſelf in perſon rallying them to hot encounters.

† Sir Marmaduke Langdale commanded the northern horſe, who, according to Clarendon's account, were too much diſcontented with the diſappointment of not returning to their own country to be truſted on any important action. The King, when he took them to the ſervice at Leiceſter, promiſed them they ſhould return to the North in fifteen days.

Ann. 1645. returned with ſpeed to the field of battle, where he found the main body of the parliament army hardly preſſed by the royaliſts. The return of Cromwell, who charged the King's infantry in flank, gave freſh courage to his friends; and the royaliſts, who had begun to put the enemy in diſorder, were in a ſhort ſpace of time entirely routed, and chaſed out of the field; nor could the King perſuade the party of horſe which he headed, though joined by prince Rupert, now returned from his improvident chace, to rally and renew the charge.

In this battle, the ſecond mortal blow to the King's fortunes, he loſt his whole train of artillery, all his baggage, five thouſand priſoners, and ſeven hundred men ſlain, among whom were one hundred and fifty officers. On the parliament's ſide were ſlain one thouſand men *. A victory thus important, obtained by an army which chiefly conſiſted of new-raiſed troops, and whoſe officers, excepting a very few, had never been truſted with any of the principal commands, aſtoniſhed both friends and foes, and was almoſt as mortifying an incident to the diſcarded chiefs of the

Ludlow's Memoirs, p. 61.

* The houſe of Commons gratified with conſiderable preſents all the meſſengers who brought to them the news of this victory, ordered two days of thankſgiving, and ſent a letter of thanks to Sir Thomas Fairfax and his field-officers. Five hundred pounds were ordered to be beſtowed on a jewel for Sir Thomas Fairfax. To major-general Skippon, who had drawn up the form of the battle, they likewiſe ſent a letter of thanks, with Dr. Clark, a phyſician; and at the ſame time deſired Sir Thomas Fairfax to take care that the ſurgeons of the army might uſe their beſt endeavors for his recovery. *Whitlock*, p. 146.

old

old army (who, from the ill ſucceſs which had attended the beginning of the campaign, had flattered themſelves with the hopes of being courted to reſume their offices) as to the vanquiſhed enemy. But, to the honor of the commanders of the new model, it muſt be obſerved, that they had introduced a greater ſobriety of manners, with a more rigorous diſcipline, than had been practiſed by the forces under the commands of the earls of Eſſex and Mancheſter, Sir William Waller, &c. * Ann. 1645. Good conduct of the new-modelled army.

But if the parliament's new-modelled army boaſted a ſuperiority of conduct to the old eſtabliſhment, that ſuperiority was yet more eminent when they were compared to their royaliſt antagoniſts. If we contraſt the account given, both by friends and foes, of the parliament's army to that of the King's, as related by the great partizan of the cavalier faction, the lord Clarendon, the oppoſition will be found to be extreme. To an exact and rigorous diſcipline, which had been introduced by the commanders of the new model, was united in the one both ſobriety and piety of manners; the hours which could be ſpared from military duties were ſpent in exerciſes of devotion; fighting, with them, was not a trade of blood, but an The behavior of the King's army and the parliament's contraſted.

* That difference, ſays Clarendon, was obſerved all along in the diſcipline of the King's troops, and of thoſe who marched under the command of Fairfax and Cromwell; for it was only under them, and had never been remarkable under Eſſex and Waller, that though the King's troops prevailed in the charge, and routed thoſe they charged, they ſeldom rallied themſelves again in order; whereas the other troops, if they prevailed, or though they were beaten and routed, preſently rallied again, and ſtood in good order till they received new directions. *Clar. Hiſt.* vol. II. p. 508.

exertion

Ann. 1645. exertion of principle and obedience to the call of conſcience; and their conduct was not only void of inſolence and violence, but benevolent and humane: ſuch an army, unleſs it meets with an adverſary equal in theſe points, muſt be irreſiſtible. On the contrary, the royaliſt army, who were at firſt diſorderly by the encouragement they met with in vice from their profligate commanders, were degenerated to ſuch a ſtate, as to be feared by their friends, ſcorned by their enemies, only terrible in plunder, and reſolute in running away *.

Clar. Hiſt. vol. II. P. 559.

* "As many times, (ſays Clarendon, obſerving on the different characteriſtics of the two contending parties) men in a ſcuffle loſe their weapons, and light upon thoſe which belonged to their adverſaries, who again arm themſelves with thoſe which belonged to the others, ſuch, one would have thought, had been the fortune of the King's army in the encounters with the enemy; for thoſe under the King's commanders grew inſenſibly into all the licence, diſorder, and impiety with which they had reproached the rebels, and they into great diſcipline, diligence, and ſobriety, which begat courage and reſolution in them, and notable dexterity in atchievements and enterprizes; inſomuch as one ſide ſeemed to fight for monarchy with the weapons of confuſion, and the other to deſtroy the King and government with all the principles and regularity of monarchy." This obſervation of Clarendon, with many others of the ſame kind, ſhew him entirely ignorant of the properties and true intereſts of that government he idolizes, and of the nature of thoſe principles which connected ſo large a party to his maſter's intereſt; ſince it is plain, that, as the King endeavored to deform the conſtitution by introducing arbitrary power, he naturally encouraged tyranny in his officers, and licentiouſneſs in his party; the one to accuſtom the people to ſervile obedience, and the other to render them proper ſubjects for it; whilſt the parliament, who had undertaken the buſineſs of reformation, neceſſarily incited and countenanced thoſe manners and conduct which would produce that effect. Vice and ignorance are the only ſupport of tyranny, as virtue and knowledge are the ſupport of freedom: only tell a wiſe man what kind

Ann. 1645. Military tranſactions. RAPID were the conqueſts which now attended the parliament's arms. Immediately after the battle of Naſeby, Leiceſter ſurrendered itſelf to Sir Thomas Fairfax, without other terms but quarter for the governor and the garriſon. This victorious general loſt no time in marching to the Weſt. To this quarter the prince of Wales had retired *: it was the only part of the kingdom where the King had at this period any face of an army; but, by the ravages and barbarities committed by his troops, and the ill conduct of his officers, it was become ripe for an eaſy conqueſt.—At Dorcheſter Fairfax met with an aſſociation which had been ſet on foot by ſome of the cavaliers, as the laſt reſource of the royal party, and ſtyled Clubmen; they pretended neutrality, declared their intention was to reſiſt only thoſe who ſhould attack them, and to mediate peace between the King and parliament. To this end they requeſted a renewed treaty, with a ceſſation, and that the garriſons of Successes of the parliament.

kind of government is eſtabliſhed in any particular ſociety, and he will tell you what are the manners and the underſtandings of the people. *Clar. Hiſt.* vol. II. p. 295, *& ſeq.*

* On the parliament's being informed, that the King intended the prince ſhould ſue forth his livery for the duchy of Cornwall, and that the lord Eſſex had been applied to for a paſs for furniture and utenſils to furniſh his houſe, and that Sir David Cunningham had been ordered to ſend down a tranſcript of that livery granted to the King when prince, the parliament returned anſwer to the lord Eſſex, That they did not think the King's requeſt ſhould be granted; for if the prince did go into the weſtern parts, as was deſired, under the pretence to ſettle in Cornwall, it might be of very ill conſequence to the public, for thereby he might draw away the affections of the people from the ſervice of the commonwealth. *Parl. Hiſt.* vol. XIII. p. 201, 205.

Dorſet-

Ann. 1645. Dorſetſhire and Wiltſhire ſhould be put into their hands. Fairfax, who did not care to be interrupted from the conqueſt of the Weſt, civilly told them, That he approved of their endeavors for a peace; and, after ſhewing the ill conſequences which would attend their demands, on the reaſon that by papers taken at the battle of Naſeby diſcoveries had been made for the bringing in ten thouſand French and ſix thouſand Iriſh, he enjoined them to give over their meetings, and proceeded to the Weſt.

THROUGH the ill management or treachery of Goring, Taunton, which had reſiſted with ſo inflexible a reſolution the extremities of a long ſiege as to have been termed the Saguntum of England, and which, according to advices ſent by Goring, could hold out but a few days, received proviſions from the adjacent county; and when Fairfax advanced to its relief, Goring and his army retired to an advantageous ſituation at Lamport; from whence, though as powerful in numbers as the adverſary, they were beaten, with the loſs of one thouſand men, and obliged to retire to Bridgewater.—Bridgewater was regarded as an impregnable fortreſs; and the royaliſts of theſe parts had lain up in it, as a ſafe repoſitory, their treaſure and moſt valuable effects; but, to the extreme terror and diſappointment of the party, on the firſt attack it was ſurrendered by its governor, colonel Windham, on terms of no greater advantage than quarter to the garriſon.—The city of Bath, following the example of Bridgewater, yielded itſelf to the conqueror; who, after the ſtorming and taking the

the caſtles of Sherborn and Nunny, prepared for the more important enterprize of Briſtol; a garriſon, by his own particular deſire, eſpecially entruſted to the care of prince Rupert; a garriſon which he had taken care to recruit with great proportions both of men and money; and of which he had written to the King that he ſhould be able to defend it four months; but which, to the ſurprize of all parties, on the parliament's forces entering the lines by ſtorm, he delivered up to the enemy on terms of capitulation.—At Axminſter, the ſcene of action which immediately ſucceeded the conqueſt of Briſtol, Fairfax's quarters were beaten up by Goring, who lay in theſe parts with a command of ſixteen hundred horſe: Goring was repulſed, and obliged to repaſs the Ex; after which Fairfax took Tiverton by ſtorm, and blockaded the city of Exeter. Ann. 1645. Surrender of Briſtol.

THE ruin of the King's affairs was hurried on by the faction, animoſity, and profligacy which ſubſiſted among his generals. Goring, after having done all imaginable diſſervice to the royal cauſe *, left the Ruin of the King's affairs.

* It was aſſerted by the inhabitants of the weſtern counties, That Goring had from the beginning combined with the rebels; that he had waſted and ruined all the ſupplies which had been ſent him, and now left a diſſolute and odious army to the mercy of the enemy, and to a county more juſtly incenſed, and conſequently more mercileſs, than they; that Weymouth had been loſt in the view of his army; that by a counter-ſcuffle at Petherton-Bridge, two of his own party, purſuing the orders they had received, fought with each other, whilſt the enemy retired to their ſtrengths; that he had diſcountenanced the garriſon of Lamport, and diſſolved it; that he had cheriſhed the Clubmen; that he had lain with his army before Taunton full ſix weeks after he declared the enemy to be at his mercy within ſix days;

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Ann. 1645. command of his army to the lord Wentworth (who, according to Clarendon, was totally diſqualified for the employment) and retired to France; whilſt Sir Richard Greenville, another of the King's commanders, of a character equally licentious with that of Goring, retired from Oakhampton, a convenient ſituation both to cover the eaſt ſide of Exeter, and to prevent the enemy's communication with the town of Plymouth, beyond the Tamar, to the frontiers of Cornwall; where he iſſued out a proclamation to treat all Goring's ſoldiers, who ſhould paſs the river, as enemies *.

and in that time, pretending that he would in a few days ſtarve them, he ſuffered great quantities of proviſion to be carried into them, through his own quarters; that he had ſuffered his brother Porter to have ſeveral interviews with the rebels; that he had ſuffered two thouſand of his foot to run away whilſt he lay before Taunton; that he had ſuffered his head-quarters to be beaten up at noon-day, before the rout at Lamport; that he had ſo far neglected his army after that defeat, that, of between three and four thouſand foot which yet remained with him, within ſixteen days he had not thirteen hundred, nor ever after recovered a man, but what was gotten together by the activity and authority of the prince; that he had lain in Devonſhire five months, with a body of above four thouſand horſe and foot, deſtroying and irreconciling the country to the King and the cauſe, without making the leaſt attempt, or in any degree looking after the enemy, whilſt the rebels, by formal ſieges, took in the garriſons of Bridgewater, Sherborn, and Briſtol; and that the enemy had let fall diſcourſes as if they were ſure enough of Goring. *Clar. Hiſt.* vol. II. p. 540, *& ſeq.*

* Sir Richard Greenville had formerly been a minion of the duke of Buckingham, and through his influence, though a younger brother, had matched himſelf to a woman of a large fortune; but ſhe having been wiſe enough to veſt her eſtate in truſt to the earl of Suffolk, whoſe brother ſhe had formerly married, Sir Richard, on a ſeparation which his ill uſage had occaſioned, found himſelf diſappointed of his prey; and moreover, on ſome abuſe which he had flung out on the

—The prince of Wales, who had now put himſelf at Ann. 1645. the head of the whole body of royal forces, advanced to the relief of Exeter; but Fairfax, on intelligence of the enemy's motions, marched with ſuch ſpeed towards them, that, ſurprizing at Bovey Tracy a brigade of their horſe commanded by the lord Wentworth, he ſtruck a panic in the whole army, and the prince was obliged to retire to Launceſton. The prince's retreat ſo alarmed a body of the royaliſts who had a long time lain ſiege to Plymouth, that, in the utmoſt diſorder, they raiſed the blockade, and retiring beyond the Tamar, left all their cannon and

the earl of Suffolk, he was fined ſix thouſand pounds by a decree of Star-Chamber, and committed to the Fleet-Priſon, where he languiſhed many years, for incapability of payment. This oppreſſive unjuſt decree was, among others of the ſame kind, under parliamentary conſideration when the rebellion broke out in Ireland; and Sir Richard Greenville, who had ſerved in the Low-Countries under prince Maurice, was ſent over by the parliament in the character of major to the lord-lieutenant's regiment of horſe. Clarendon ſays, That he committed many acts of cruelty to the Iriſh rebels; but declaring heartily againſt the ceſſation, he was well received by the parliament, who appointed him to the command of the horſe under Sir William Waller, in an intended expedition to the Weſt, and gave him a large ſum of money for the expence of his equipage. The firſt and only ſervice he did the King was by a breach of truſt to the parliament; whom, by communicating their counſels to the court at Oxford, he diſappointed of the poſſeſſion of Baſing-Houſe. After he had offered his ſervice to the King, he wrote a very inſolent letter to the parliament; and on theſe merits was ſent into the Weſt, put into the poſſeſſion of his wife's fortune, granted the ſequeſtration of the eſtates of the earl of Bedford, the lord Roberts, and Sir Francis Drake, made high-ſheriff of Devon, commander of the blockade at Plymouth, and indulged in the higheſt exceſs of rapacity; but, according to lord Clarendon, did great prejudice, rather than ſervice, to the royal cauſe. *Clar. Hiſt.*

Ann. 1645. ammunition in the hands of the enemy.—To the great inequality of manners and diſcipline which at this time ſubſiſted between the two armies of the King and parliament, the King's preſent unpopularity had no ſmall ſhare, in the precipitating the conqueſt of the Weſt: the publication of the papers taken at the battle of Naſeby had gained many converts to the better cauſe; and beſides the inclinations of the inhabitants of the weſtern parts, who were ready to riſe and revenge themſelves on the royal army, from whom they had endured the utmoſt exceſs of oppreſſion *, many individuals of that army, both officers and private men, ſhewed a very amicable diſpoſition towards their antagoniſts. After the ſtorming and taking of Dartmouth, Fairfax, leaving the blockade of Exeter to the care of Sir Hardreſs Waller, advanced to meet the Lord Hopton, to whom the prince of Wales had conſigned the command of the royal troops, and who was marching to the relief of Exeter at the head of ſeven or eight thouſand men. From the advantageous poſt of Torrington he was beaten, with the loſs of above three thouſand foot, and obliged to retire with his horſe only into Cornwall, where he was immediately followed by Fairfax, who uſed all imaginable vigilance to prevent the

* The weſtern parts, who from the beginning had manifeſted great zeal for the King's ſervice, had ſuffered extreme hardſhips from the licence of the armies of prince Maurice, Goring, and Greenville. It may be remembered, that prince Maurice was advanced to that command by the King, in preference to lord Hertford, becauſe he had leſs regard for the civil government of the country, and was poſſeſſed of a more ſoldierly roughneſs of temper.

remaining

remaining remnant of the royaliſt forces from eſcap- Ann. 1645.
ing and joining the King. On the approach of Fairfax, the prince of Wales was carried, by thoſe to whom the King had appointed the care of his perſon, to the iſle of Scilly, thence to Jerſey, and from thence he ſoon after joined the queen in France *. Hopton, hemmed in on all ſides, both by the enemy's army and by the inhabitants of the county, who, though formerly devoted to the King, had now voluntarily offered their ſervices to Fairfax to aſſiſt in blocking up the paſſes to prevent his forces from eſcaping, retired with the lord Capel to the iſle of Scilly, leaving his troops to treat for themſelves. Deſperate as was their condition, the following generous terms were granted them by Fairfax: That they ſhould have leave to go beyond ſea or to their homes; and that they ſhould ſurrender their horſes and arms, on the condition that each trooper ſhould receive twenty ſhillings or the return of his horſe †. On the diſſolution of this army, Exeter immediately ſurrendered on articles:

* Notwithſtanding that the prince's removal out of the kingdom gave a general diſguſt, and that his repair to France was a meaſure ſo odious both to the King's friends and foes, that the former had ſome intentions to prevent its execution, by ſecuring his perſon, yet the King ſent his ſon repeated orders to join his mother in France. Lord Clarendon, who was one of the council whom the King had appointed to attend the prince, is not ſparing of his abuſe on the prince's governor the earl of Berkſhire, for his oppoſing the prince's removal out of the kingdom.

† Thoſe who ſtaid in England, as well foreigners as others, were to bind themſelves for ever, but thoſe who went beyond ſea only for three years, not to bear arms againſt the parliament. *Ruſhworth*, vol. VI. p. 114.

and

Ann. 1645. and thus, to the glory of Fairfax and the triumph of the party, was completed the entire conqueſt of the Weſt.

UNINTERRUPTED ſucceſs attended every diviſion of the new-modelled army: Oliver Cromwell, who had ſo highly diſtinguiſhed himſelf in the beginning of the campaign as (by the eſpecial deſire of the general) to have been excuſed from paying an immediate obedience to the ſelf-denying ordinance, who had been eminently inſtrumental to the gaining the battle of Naſeby, who had ſubdued the ſpirit of the Club-armies which had riſen in all the weſtern counties, and who had attended Fairfax in all his important enterprizes, after the ſurrender of Briſtol reduced to the obedience of parliament all the King's garriſons which lay to the eaſt of this city *; and thus ſecured a communication between their army in the Weſt and the city of London.

THE battle of Naſeby would not have proved entirely deciſive of the fate of the King, had it not been for a kind of infatuation which poſſeſſed his councils. With ſome ſcattered troops, the wrecks of his defeat at Naſeby, he had in Wales, under the command of colonel Gerrard, a body of two thouſand horſe and one thouſand foot; in the Weſt, Goring was at the head of an army nearly equal to that which he had

* The Devizes, the caſtle of Wincheſter, Baſing-Houſe, and Laycock-Houſe; Berkley-Caſtle was beſieged and taken by colonel Rainſborough.

loſt

loſt at Naſeby; the garriſons which yet remained in Ann. 1645.
his poſſeſſion were more numerous than thoſe in the hands of the parliament, and they were every day ſtrengthening by the coming-in of the routed forces. Had theſe advantages been ſkilfully managed, they were yet ſufficient to have procured peace on moderate terms, or to have afforded much work for the parliament; but the King, inſtead of retreating into the Weſt, and collecting his ſcattered forces to an army already formed, and in a country better devoted to his ſervice than any other in the kingdom, retreated from Naſeby to Hereford, and from thence to Abergavenny in Monmouthſhire, where he endeavored, by the aſſiſtance of the troops under colonel Gerrard, to form a new army. The gentry of the largeſt fortunes in the Welſh counties, for reaſons often ſpecified in this work, had from the beginning of the war manifeſted great zeal in the King's ſervice, and had paid implicit obedience to his inſtruments; but they had been ſo much inſulted and harraſſed by the rapacious inſolence of Gerrard, and were ſo terrified leſt the King's preſence ſhould draw upon them the whole power of the parliament, that, inſtead of complying with his deſires in the raiſing ſuch a body of foot as ſhould enable him again to look the enemy in the face, there were ſome whiſperings Ludlow.
of an intent to ſeize his perſon, and deliver him to the parliament. At Cardiff, where the *poſſe comitatus* was ſummoned to aſſiſt the King in the relief of Hereford, which was at this time beſieged by the Scots, a long liſt of grievances was preſented to him; and the country, thus aſſembled, peremptorily inſiſted on

the

Ann. 1645. the removal of Gerrard from his military command. The King complied with the demand; and, to appeaſe the diſcontent of Gerrard, he gratified him with the title of baron, a meaſure which ſo highly irritated the country, that he found it expedient to remove; and travelling over the mountains of Brecknock and Radnor, paſſed the Scotch quarters, and arrived with his two thouſand horſe at Ludlow, thence through Shropſhire and Derbyſhire, and proceeded as far as Doncaſter, with the intention to join Montroſe, who in the abſence of the Scotch army had, with the aſſiſtance of a few Iriſh companies and a ſmall party of Highlanders, over-ran the whole country of Scotland, and made himſelf maſter of the capital. The northern gentry propoſed to raiſe three thouſand foot for the King's ſervice; but, alarmed with the ſudden approach of a large detachment of horſe, under the command of David Leſley, who was marching with all haſte from the Scotch camp before Hereford, both to relieve his own country and to prevent the King from joining with Montroſe, they adviſed his majeſty to make a ſpeedy retreat to Newark. This advice was inſtantly purſued; the King, without waiting for farther recruits, returned back to Newark, and from thence fell into the Eaſtern aſſociation, where, after beating up ſome of the enemy's quarters, he repaired to Oxford: from Oxford, after a ſtay of two days only, he ſet out for Worceſter, with a reſolution to attempt the raiſing the ſiege of Hereford. As Leſley had left no ſtronger force than eight hundred horſe before this town *, they retired northward on the approach

* Under the command of the earl of Leven.

proach of the King; who, whilſt he was planning Ann. 1645. the relief of Briſtol, at Ragland-Caſtle received the ſtunning news of its ſurrender. He had ſupported the reſt of his misfortunes with patience and compoſure; but, ſtung with an acute ſenſe of what he conſtrued baſeneſs and ingratitude in his nephew, he not only directed his council at Oxford * to take from him his commiſſion, but ſent him orders to repair immediately beyond ſea †.

On the cruel diſappointment of the unexpected loſs of Briſtol, the King again reſumed his project of a junction with Montroſe; and, on the intelligence that Pointz and Roſſiter lay with a body of three thouſand horſe and dragoons between the cities of Hereford and Worceſter ‡, he paſſed through North-Wales to Cheſter, at this time beſieged by a body of the parliament's troops §, with an intention to find a way into Scotland through Lancaſhire and Cumberland. The unexpected coming of ſo large a reinforcement ‖ amazed both the beſieged and the beſiegers;

* The prince, after his defeat, had been conducted to this city.

† At the ſame time colonel Leg was impriſoned by the King's warrant, and his government of Oxford given to Sir Thomas Glenham. Clarendon ſays, That this unprovoked act of ſeverity proceeded from the King's ſuſpicion that colonel Leg, being much in the prince's favor, would be ſubſervient to any of his commands. *Clar. Hiſt.* vol. II. p. 536.

‡ Theſe were a detachment of Fairfax's army, whom he had left behind with directions to attend the King's motions.

§ Thirteen hundred horſe and foot, under colonel Jones.

‖ Troops had been gathered in Shropſhire and Worceſterſhire, to attend the King on this expedition.

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proach of the King; who, whilſt he was planning Ann. 1645.
the relief of Briſtol, at Ragland-Caſtle received the ſtunning news of its ſurrender. He had ſupported the reſt of his misfortunes with patience and compoſure; but, ſtung with an acute ſenſe of what he conſtrued baſeneſs and ingratitude in his nephew, he not only directed his council at Oxford * to take from him his commiſſion, but ſent him orders to repair immediately beyond ſea †.

On the cruel diſappointment of the unexpected loſs of Briſtol, the King again reſumed his project of a junction with Montroſe; and, on the intelligence that Pointz and Roſſiter lay with a body of three thouſand horſe and dragoons between the cities of Hereford and Worceſter ‡, he paſſed through North-Wales to Cheſter, at this time beſieged by a body of the parliament's troops §, with an intention to find a way into Scotland through Lancaſhire and Cumberland. The unexpected coming of ſo large a reinforcement ‖ amazed both the beſieged and the beſiegers;

* The prince, after his defeat, had been conducted to this city.

† At the ſame time colonel Leg was impriſoned by the King's warrant, and his government of Oxford given to Sir Thomas Glenham. Clarendon ſays, That this unprovoked act of ſeverity proceeded from the King's ſuſpicion that colonel Leg, being much in the prince's favor, would be ſubſervient to any of his commands. *Clar. Hiſt.* vol. II. p. 536.

‡ Theſe were a detachment of Fairfax's army, whom he had left behind with directions to attend the King's motions.

§ Thirteen hundred horſe and foot, under colonel Jones.

‖ Troops had been gathered in Shropſhire and Worceſterſhire, to attend the King on this expedition.

Ann. 1645. the one regarded themſelves as providentially preſerved, and the other gave themſelves over for loſt: but the event proved contrary to both their expectations; for Pointz, having received a timely intelligence of the King's motions, arrived ſoon enough for the relief of his friends. He was attacked by Sir Marmaduke Langdale, on a heath within two miles of the city; but being immediately joined by the beſiegers, Langdale was overpowered, routed, put to flight, and purſued to the walls of Cheſter; where the battle becoming more general, that body of horſe which had attended the King from the defeat at Naſeby were completely routed, and diſperſed throughout the country.

Disappointments on all ſides overwhelmed the King: the great hopes he had entertained of Montroſe's ſucceſſes were entirely overthrown by the news of a total defeat which this hitherto-invincible general had received from Leſley; and this putting an end to all thoughts of a Scottiſh expedition, the King retired to Denbigh-Caſtle in North-Wales; and from thence, when he had gathered up his broken forces, to the number of three thouſand, by Litchfield and Melbourn, to Newark. That hot-headed nobleman the lord Digby attended the King in the character of ſecretary of ſtate *: he had quarrelled with all the military commanders; and now laying under the ſuſpicion of having worked up his maſter's paſſions to the diſgrace of prince Rupert, and dreading the re-

* He was appointed ſecretary of ſtate after the death of the lord Falkland.

ſentment

ſentment of the two brothers, he had inclined the Ann. 1645.
King to prefer Newark to Worceſter, where prince Maurice was governor. Some premature advices concerning the ſucceſs of Montroſe occaſioned the King to reſume his reſolution of marching to Scotland; and even when this advice was contradicted, Digby, who had been informed that prince Rupert was on his way to Newark, had influence enough to prevail on him to ſend himſelf and Sir Marmaduke Langdale, with all the horſe, forward to the North. Digby at firſt met with ſome trifling ſucceſs on a body of one thouſand of the parliament's foot at Sherborn; but was routed in a few hours after by colonel Copley. The broken remains of his little army were carried by the two generals through Lancaſhire and Cumberland; but finding no probability of joining with Montroſe, and being harraſſed on all ſides by different parties of the parliament forces, Digby, with the reſt of the chief officers, went on board a ſhip for the Iſle of Man, and left their troops to ſhift for themſelves. Thus, by a mad attempt, undertaken on principles of ſelfiſhneſs, the King was entirely deprived of the aſſiſtance of his horſe; and his character farther expoſed by the loſing a cabinet of Digby's papers, which were ſent up to the parliament, and which produced important diſcoveries.

With apprehenſions of being ſhut up by two different parties of the parliament's troops, commanded by Pointz and Roſſiter, in a ſituation helpleſs and forlorn, the unfortunate King was left at Newark; and, whilſt he was meditating the means of an

Ann. 1645. eſcape, he ſuſtained a mortification of a more irritating nature than any he had yet undergone. Prince Rupert, who, by rudely forcing himſelf into the King's preſence, had in a manner compelled him to clear him of the imputation of cowardice and treachery in the ſurrender of Briſtol, diſguſted with an unaccuſtomed coldneſs in his behavior, entered into a conſpiracy with Sir Richard Willis, whoſe rapacious inſolence had obliged the King to deprive him of his government, and to confer that charge on the lord Bellaſis: this was done with ſo much caution, and ſo little intended as an affront, that Willis was offered the command of the King's life-guard in the room of the lord Litchfield, who was killed before Cheſter; yet, notwithſtanding the unmerited favor, himſelf, the two princes Rupert and Maurice, with all their followers, broke into the King's bed-chamber, and, in the preſence of a large audience, demanded reparation for the injury which they ſaid had been done to Willis. The King beckoned Willis to retire with him into a more private apartment; but on his refuſing to obey him, he aſſumed ſpirit enough to command the mutineers to leave his preſence; and the next morning, according to their deſire, he ſent them paſſes to carry them whither they choſe to go.—Thus are fallen tyrants inſulted by thoſe who moſt abjectly ſubmit to them in the ſunſhine of power; and in this manner was the indiſcreet indulgence which the King had uſed to his nephews, for no other reaſon but becauſe they were of royal rank, repaid with the moſt flagrant ingratitude.—The King's eſcape was made much more dif-

difficult by this diſagreeable incident; but beginning his march at eleven o'clock at night, he paſſed between the enemy's garriſons, and arrived ſafe at Oxford, after a fatiguing journey of thirty-eight hours. Ann. 1645.

WHILST this ill-adviſed prince had been thus trifling away his time, in non-effective endeavors to raiſe an army and unite himſelf to Montroſe, his affairs were ruined in the Weſt, and himſelf completely vanquiſhed in a double ſenſe, the entire rout of his forces, and the loſs of his character. Many paſſages demonſtrating the ill intentions, the want of ſincerity, and the uxorious affections * of this fond and faithleſs monarch, taken from his cabinet ſeized at the battle of Naſeby, have already been noticed in this work. The diſcoveries which the Sherborn victory produced were

* "I intend, if thou like it, ſays the King in one of theſe letters, to beſtow Piercy's place upon the marquis of Newcaſtle, to whom yet I am no ways engaged, nor will before I have thy anſwer." In another, "Some find fault for too much kindneſs to thee; thou mayeſt eaſily gueſs from what conſtellation that comes: but I aſſure ſuch that I want expreſſion, not will, to do it ten times more to thee on all occaſions. Others preſs me as being brought upon the ſtage; but I anſwer, that having profeſſed to have thy advice, it were a wrong to thee to do any thing before I had it." In another the King tells the queen, That he encline's to make Hertford of his bed-chamber, if ſhe likes it, and excuſes himſelf for filling one place before he can have her opinion. In return for all this ſubmiſſive condeſcenſion, the queen's ſtyle is according to the following examples: "Remember what I have written to you in the three precedent letters, and be more careful of me than you have been, or at leaſt diſſemble it, to the end that no notice be taken of it. I have received your proclamation or declaration, which I wiſh had not been made, being extremely diſadvantageous to you; for you ſhew too much fear, and do not what you had reſolved upon."

of

Ann. 1645. of a yet more important nature, and ſhewed that, contrary to the King's poſitive declarations, ſupplies of men and money had been ſolicited from Holland *, Rome, Venice, France, Denmark, and the duke of Lorrain †. Theſe papers, entitled, "Lord Digby's Cabinet," were all publiſhed by the parliament, with the following obſervation: That the King and Pope were to defend the Proteſtant religion; Denmark and Lorrain to maintain laws and liberties; and bloody rebels in Ireland to uphold the privileges of parliament in England.

The King's unſucceſsful meſſages to the parliament for leave to repair to the capital.

NOTWITHSTANDING the low ſtate of the King's fortunes, his correſpondents in London yet flattered him with the hopes, that the diſſentions between the factions in the parliament and city would, upon the renewal of a treaty, produce a revolution in his favor; and, could he obtain leave to treat in perſon with the two houſes, the friends of arbitrary principles in government would ſtrike in with his terms, to defeat the

* The terms offered to the prince of Orange were, a marriage between his daughter and the prince of Wales, and the garter for his ſon.

† The Grand Seignor's firſt miniſter was bribed to obtain from his maſter an order for ſequeſtering all the effects of the Engliſh factors trading at Conſtantinople, to the King's uſe. This ſcheme was propoſed by one Sir Gilbert Talbot, who had in vain ſolicited the Venetians for ſupplies, and was warmly ſeconded by Sir Edward Hyde. The Engliſh factors, by out-bribing the King, not only got the order of ſequeſtration reverſed, but prevailed on the Ottoman court to deliver up Sir Sackville Crow, the King's ambaſſador, and agent in this buſineſs, to the Engliſh parliament. *Narrative of Sir Gilbert Talbot, in Echard, fol. ed.* p. 631.

pro-

projects of the republicans and the ſticklers for civil and religious liberty. On theſe repreſentations the King, by three ſucceſſive preſſing meſſages, demanded a ſafe-conduct for the duke of Richmond, the earl of Southampton, John Aſhburnham, and Jeffery Palmer, Eſqrs. to carry propoſitions; and by a fourth he offered, on the engagement of the two houſes at Weſtminſter, the commiſſioners of the parliament of Scotland, the mayor, aldermen, common-council, and militia of London, the chief commanders of Sir Thomas Fairfax's and the Scotch armies, for his free coming to, and abode in London for the ſpace of forty days, to treat perſonally with the two houſes of parliament at Weſtminſter and the commiſſioners of the parliament of Scotland, upon all matters conducive to the reſtoring peace and happineſs to his kingdoms *. There was a time when the offer of the King's joining his parliament without his military attendance would have been accepted with pleaſure by a large majority; but that ſeaſon was now over: the whole party in oppoſition were too well acquainted with his intriguing ſpirit, and too ſenſible of the danger they ſhould incur from their diſunion, and the ſtrength of the cavaliers who had compounded for their delinquency, and now flocked to the capital, ſhould he be ſuffered by his preſence to blow up the flames of diſſention among them. To the three firſt meſſages they returned anſwer, That finding former treaties had been Ann. 1645.

* Acherley, on this offer of the King, obſerves, That now, when the King's power to revenge was extinguiſhed, he had lain aſide all his fears of tumults, which he had before pleaded. *Acherley's Britannic Conſtitution*, p. 558.

made

Ann. 1645. made uſe of for other purpoſes, under the pretence of peace, and had proved dilatory and unſucceſsful, they could not give way to a ſafe-conduct, according to his majeſty's deſire; but having under their conſideration propoſitions and bills for the ſettling a ſafe and well-grounded peace, they did reſolve, after a mutual agreement with both kingdoms, to preſent them with all ſpeed to his majeſty. And to a fifth meſſage, wherein the King ſtill inſiſted on a perſonal treaty, they replied, That there had been a great deal of innocent blood of his ſubjects ſhed in the war, by his majeſty's command and commiſſions: That there had been Iriſh rebels brought over into both kingdoms, and endeavors to bring over more, as alſo forces from foreign parts: That his majeſty was yet in arms, and the prince of Wales at the head of an army in the Weſt; there were alſo forces in Scotland againſt the parliament and kingdom by his commiſſion, and the war in Ireland was fomented and prolonged by his majeſty: That until ſatisfaction and ſecurity was firſt given to both kingdoms, his majeſty's coming to the parliament could not be convenient, nor be by them aſſented to: That they could not apprehend it a means conducing to peace, that his majeſty ſhould come to his parliament for a few days with any thoughts of leaving it, eſpecially with intentions of returning to hoſtilities againſt it: That his majeſty's deſiring the engagement, not only of his parliaments, but of the lord-mayor, &c. was againſt the honor and the privilege of parliament, thoſe being joined with them who were ſubject and ſubordinate to their authority: That the only way for the

the obtaining an happy and well-grounded peace Ann. 1645.
was, for his majeſty to give his aſſent to thoſe propoſitions which ſhould be ſent to him *: That his majeſty in his letter had made no mention of religion, or of Scotland †.

THOUGH the King repeated four ſeveral times his ſolicitations for a perſonal treaty, and in the laſt meſſage (ſome recent diſcoveries having been made of his double-dealing in regard to the Iriſh rebels) made greater conceſſions than he had hitherto done ‡, yet

* It was the diſcoveries which ſeizing the King's papers at Naſeby had produced, which determined the parliament againſt renewing a treaty of peace.

† This reply was made before the prince of Wales had retired to the iſle of Scilly.

‡ The following were the terms which the King now offered: That if the parliament would admit of his repair to London for a perſonal treaty, he would ſend an immediate meſſage to Ireland to ſtop the concluſion of the peace: That he would leave the management of the buſineſs of Ireland wholly to the two houſes, and make no peace there but with their conſent, in caſe his endeavors for a treaty ſhould be bleſſed with ſucceſs: That if his perſonal repair to London ſhould be admitted, and a peace thereon enſue, he would then leave the nomination of the perſons to be entruſted with the militia wholly to his two houſes, with ſuch power and limitations as were expreſſed in the paper delivered by his commiſſioners at Uxbridge: That if the peace ſucceeded, he would be content that, *pro hac vice*, the two houſes ſhould nominate the admiral, officers of ſtate, and judges, to hold their places *quamdiu ſe bene geſſerint*, to be accountable to none but the King and the two houſes of parliament: That all Proteſtants, behaving themſelves peaceably to the civil government, ſhould have the free exerciſe of their religion according to their own way: And, for the total removing all fears and jealouſies, his majeſty was willing to declare, that, upon the concluſion of peace, there ſhould be a general

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Ann. 1645. as every day produced ſome freſh proof of his ill intentions and his inſincerity; as he could not forbear, even in his ſolicitations for a perſonal treaty, to upbraid the parliament with rebellion and diſloyalty; as his anti-parliament at Oxford had been again called together, and had paſſed the following irritating votes: That the commiſſioners of the great-ſeal, the judges, and pleaders at Weſtminſter, were guilty of high-treaſon, and the ſeal to be void: That the directory which the parliament had eſtabliſhed ſhould not be uſed in divine ſervice, but the Common Prayer to be uſed as by law eſtabliſhed *; as the cavaliers began to be very buſy in caballing with the different factions into which the oppoſition was divided; the parliament would not conſent to the King's repair to London †; and, to prevent the poſſibility of a ſurprize, they paſſed an ordinance for making him priſoner, if he ſhould be found within their lines of communication; and added an injunction, That all who had ever borne arms againſt them ſhould immediately depart from London, on the penalty of being proceeded againſt as ſpies.

THE vigilance of the parliament thus fruſtrating the King's hopes of dividing their counſels by his

neral act of oblivion and free-pardon paſſed by acts of parliament, in both his kingdoms reſpectively.

* The King had had the imprudence, even in the low eſtate to which he was reduced after the battle of Naſeby, to iſſue out a proclamation forbidding the uſe of the directory eſtabliſhed by the parliament; whom, in the ſame proclamation, he upbraided with rebellion and ſacrilege. *Ruſhworth*, vol. VI. p. 207, *& ſeq.*

† Even though he had offered to diſmantle his garriſons.

preſence

preſence in the capital, and encouraged by a difference which had at this time aroſe to ſome height between the two nations, he turned his thoughts towards a reconciliation with his original opponents the Scots. The neceſſity of affairs, and the balance which the Scotch nation was enabled to give to either party, had obliged the parliament to make many very unbecoming condeſcenſions to this avaricious and aſpiring people; but the ſucceſſes of Sir Thomas Fairfax having rendered their aſſiſtance of leſs conſequence, it produced an alteration in the conduct of the two houſes. From the umbrage the Scots had taken at the new-modelling the army, they had refuſed to advance from the North, and had left the whole danger and drudgery of the war upon the Engliſh forces. Every day produced freſh complaints from the northern counties, of their rapine and inſolence, in raiſing contributions, and in the taking free-quarter. To this they retaliated, That, whilſt the reſt of the forces employed by the parliament had received regular pay, they had been left to ſhift for themſelves, and were reduced to the neceſſity of plundering or ſtarving. The parliament, in a long narration, anſwered, That near two hundred thouſand pounds had been already paid them, beſides fifty-three thouſand pounds which they had received upon the coals of Newcaſtle and Sunderland; they remembered them, That, by their not employing themſelves effectually for the ſervice of the kingdom, all the ends were fruſtrated for which the aſſiſtance of ſo great and expenſive an army was by them de-

Ann. 1645. Diſunion between the parliament and the Scots.

Ann. 1645. fired *: beſides, when the treaty was concluded between the two kingdoms, it was, they ſaid, ſuppoſed, that ſuch might be the wants and neceſſities of England, that they might not be able to make due and conſtant payments to the Scotch army; yet was it not ſtipulated or imagined, that in default thereof they might forbear to engage their army, much leſs lay taxes upon the people of England to pay themſelves, the public faith of the kingdom being given for the payment of their arrears with intereſt. According to a vote of parliament, the Scots were to receive thirty thouſand pounds of their arrears, if they would advance forward and beſiege Newark; but the anſwer they returned proving unſatisfactory, the following ſevere reſolutions paſſed both houſes:

* "All our horſe, writes the Yorkſhire committee, were drawn from their more ſoutherly quarters, in hopes that it would engage the advance of the Scotch army from thence towards the South, according to the order of both houſes and the committee of both kingdoms, and our earneſt ſolicitations in that behalf; yet, much contrary to our expectations and deſires, the Scotch forces upon Bramham-Moor that night drew northwards towards the reſt of their body at Rippon, and upon Wedneſday laſt raiſed their whole army from Rippon, and are marched northward, and intend all their forces to paſs over Stain-Moor into Weſtmoreland, and ſo into Lancaſhire. By this retreat of theirs, this country is left in worſe condition, by many degrees, than when they came hither: for, by the exceſſive burthens impoſed by them, the people are generally exaſperated; and the Yorkſhire forces, for want of pay and proviſions, anticipated by the Scotch army, much broken, weakened, and diſcouraged; and the home-bred enemy here much increaſed in number and ſtrength; and now, by their withdrawing their forces from hence, the whole country, and all paſſages in it, are expoſed to any attempt of the enemy." *Parl. Hiſt.* vol. XIII. p. 486.

RESOLVED,

RESOLVED, That the Scotch army not engaging againſt the enemy, according to the deſires of both houſes of parliament, and the continuance in the northern parts, contrary to thoſe deſires, is not only unſerviceable, but prejudicial to thoſe ends for which their aſſiſtance was deſired, and deſtructive to thoſe parts of the kingdom. Ann. 1645.

RESOLVED, That their laying of taxes and raiſing of monies upon the ſubjects of this kingdom, and plundering their houſes and goods, is againſt the treaty, and againſt the liberty of the ſubject, which both kingdoms are bound to preſerve; and doth diſable this kingdom to pay the monthly aſſeſſment for the maintenance of that army, and the forces of the Northern aſſociation.

RESOLVED, That it be declared to the inhabitants of the Northern aſſociation, that they are not bound to pay any ſuch monies as are or ſhall be taxed upon them, without the power and authority of both houſes of parliament, by the Scotch officers, or any other perſons.

RESOLVED, That whatſoever monies, goods, horſes, or proviſions, have been or ſhall be taken from any of the inhabitants of the Northern aſſociation, or of any other parts of this kingdom, without the power and authority of both houſes of parliament, by any of the Scotch army, ſhall be repaid unto them out of the monies deſigned for the maintenance of that army.

RESOLVED, That ſuch commiſſions ſhall be iſſued under the great-ſeal, into every county of this kingdom

Ann. 1645. dom where they ſhall be deſired, for the certifying what money, billets, horſes, cattle, goods, or proviſions have been levied or taken by any of the Scotch army, with like powers and authorities as are contained in commiſſions already iſſued in that behalf into divers of the northern counties,

Resolved, That whatſoever monies, horſes, goods, or proviſions have been or ſhall be levied or taken by the Scotch army, upon the inhabitants or ſubjects of the kingdom of England, ſhall be accounted as ſo much of the pay of the Scotch army; and that this kingdom is diſengaged for the payment of ſo much as the ſame ſhall upon proof amount to.

Resolved, That in caſe the preſſures of the Scotch army upon the ſubjects of this kingdom be continued, and unleſs ſatisfaction ſhall be given touching the premiſes, it cannot be expected that this kingdom ſhall make payment of the thirty-one thouſand pounds per month to the ſaid army.

Resolved, That it be deſired that ſatisfaction may be given to this kingdom; that ſuch forces of the Scotch nation as have been put into the ſeveral garriſons of Newcaſtle upon Tyne, the city of Carliſle, the town of Hartlepool, the caſtles of Tynmouth, Warkworth, Thirlwall, and Stockton, without the conſent of both houſes of parliament, may be forthwith removed, to the end the ſame may be diſpoſed of in ſuch manner as ſhall be thought fitting by both houſes of the parliament of England.

The

The commiſſioners of the parliament of Scotland, Ann. 1645. from being conſulted with on all matters of importance relating to either kingdom, were now treated with reſerve; and the parliament, apprehenſive that there had been double-dealing on the part of the Scots at Uxbridge, was determined to have no more joint treaty, but to ſend down their propoſitions in bills to be paſſed by the King. As ſome few alterations and additions had been made to the propoſitions agreed on between both kingdoms, the Scotch commiſſioners complained of it, as an infringement of the treaty; but the parliament ſtiffly inſiſted on the adhering to their own determinations *.

The growing and viſible diſcontent between the Scots and the Engliſh parliament had occaſioned the high ſtrain of the King's meſſages; and ſome wrong-headed Scotch covenanters had ſuffered their reſentment to carry them ſo far as to offer to cardinal Mazarin their ſervices to the King, provided the crown of France would engage, if the Scots performed what they ſhould promiſe, that the King ſhould make good whatſoever ſhould be undertaken by him, or the queen on his behalf. On this abſurd application, one Montreville, an agent from the French court, was Clar. Hiſt.

* The Scotch commiſſioners, who at this time paid a kind of court to the King, moved that the following alteration ſhould be made in one of the parliament's replies: inſtead of, "And ſhould have accounted it a great happineſs if your majeſty's actions had been anſwerable," "And ſhall account it a great happineſs if your majeſty's actions be anſwerable." The parliament rejected this alteration; and ſaid, they would have their reply look as well to the time paſt as the time to come. *Parl. Hiſt.* vol. XIV. p. 167.

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Ann. 1645. ſent into England to negociate a treaty between the King and the Scots; but, contrary to the King's expectations, the Scotch commiſſioners inſiſted on the eſtabliſhment of Preſbyterian government in England, as well as in Scotland; and alleged, That the queen had expreſly promiſed to Sir Robert Murray, that his majeſty ſhould conſent to that article.

The King takes refuge in the Scotch camp.

MONTREVILLE had better ſucceſs in the Scotch army, who were now before Newark: he found them in ſuch a flame, on the Engliſh parliament's having inſiſted on their ſending back ſome of their troops to Scotland, whom they had all quartered in England on the defeat of Montroſe, and on their giving up thoſe Engliſh towns they had taken and garriſoned, that he obtained leave to aſſure the King he might ſafely repair to their army upon the terms himſelf had propoſed, and that they would ſend a good body of their horſe to meet his majeſty at any place he ſhould appoint, to conduct him in ſafety to their camp. On theſe flattering aſſurances, after it had been aſſented to and approved by the Scotch commanders, Montreville drew up the following engagement, and ſent it to the King: "I do promiſe, in the name of the king and queen-regent (my maſter and miſtreſs), and by virtue of the powers that I have from their majeſties, that if the King of Great Britain ſhall put himſelf in the Scotch army, he ſhall be there received as their natural ſovereign, and that he ſhall be with them in all freedom of his conſcience and honor; and that all ſuch of his ſubjects and ſervants as ſhall be there with him ſhall be ſafely and honorably protected in their perſons; and that the ſaid Ann. 1646. Scots ſhall really and effectually join with the ſaid King of Great Britain, and alſo receive all ſuch perſons as ſhall come in unto him, and join with them for his majeſty's preſervation; and that they ſhall protect all his majeſty's party to the utmoſt of their power, as his majeſty will command all thoſe under his obedience to do the like to them; and that they ſhall employ their armies and forces to aſſiſt his majeſty in the procuring of a happy and well-grounded peace, for the good of his majeſty and his ſaid kingdoms, and in recovery of his majeſty's juſt rights. In witneſs whereof I have hereto put my hand and ſeal, this firſt day of April, 1646."

THOUGH many days had not paſſed before Montreville found the Scots in ſo different a temper as to adviſe the King not to repair to their army if he had any other refuge, yet, as the parliament had reduced almoſt all his garriſons *, as lord Aſtley with a ſmall army of two thouſand horſe and foot, with whom he had intended to join, with another body of fifteen hundred horſe and foot, was on his march to Oxford totally defeated at Stow by colonel

* The King having offended Williams the archbiſhop of York, by thruſting him out of the caſtle of Conway in Wales, on which he had a conſiderable mortgage, and which he had fortified for the King at a great expence, this prelate went over to the ſide of the parliament, aſſiſted their troops in reducing Conway-Caſtle and other ſtrong places, and performed ſuch ſervices againſt the King, that the parliament diſcharged his eſtate from the penalty of delinquency, on condition of his taking the negative oath and the national league and covenant.

Ann. 1645. Morgan, and as Sir Thomas Fairfax was preparing to reduce Oxford, he took the deſperate reſolution to fling himſelf on the Scots; and in the night, accompanied with one Dr. Hudſon and Mr. Aſhburnham, in a diſguiſe as Aſhburnham's ſervant, he left Oxford, and, paſſing through many croſs-roads, arrived on the fifth of May at the Scotch camp before Newark.—After this flight of the King, the duke of Richmond, the earl of Lindſay, the earl of Southampton, and other heads of his party, ſubmitted themſelves to the parliament, and were ſent priſoners to Warwick-Caſtle.

Affairs of Ireland. Borlaſe. Carte. Warner.

IRELAND afforded a different ſcene from that which was at this time ſo glorioufly exhibited in England: in this barbarous clime, ſuperſtition and ſlavery roſe in proportional ſucceſs as they declined in its ſiſter iſle. No ſooner had the King withdrawn the Proteſtant forces from Ireland than the Papiſts, taking advantage of the occaſion, perfidiouſly broke almoſt every article of the recently-concluded ceſſation. They committed acts of hoſtility on the caſtles and forts in the hands of the Proteſtants, upon their cattle and their houſes, extorted great ſums from them for licence to paſs through their quarters, publiſhed a prohibition to all their party not to ſell them any proviſions, and even neglected to make their promiſed payments for the ſupport of the King's army. To the reputation of the Scotch forces, they were the only body of Proteſtants who refuſed to comply with the baſe terms of the ceſſation; a few of the Engliſh afterwards joined them; and this ſmall party preſerved their footing in the country againſt the combined forces of

of the Popiſh and prelatical faction: a fact which evidences, that the entire deſtruction of the rebels might have been eaſily effected, if the Scotch and Engliſh Proteſtants had ever heartily united in the common cauſe. Ann. 1645.

COMPLYING as had been the two juſtices to the King's inclinations in the conduct of the ceſſation, their baſeneſs was not entirely of a temper to be truſted with the execution of his farther deſigns; the concluding a peace with the rebels was too infamous an undertaking for the moſt daring court-tool in the kingdom, the marquis of Ormond alone excepted, who was ſworn lord-lieutenant immediately after the ceſſation had taken place *; and the juſtices, having anſwered the purpoſes for which they were inveſted with the government, were deprived of their offices. —No ſooner was the ſovereign power deputed to Ormond, than he prepared to fulfil to the utmoſt the

* The lord Leiceſter, a man of a nature too timid to act in oppoſition to the authority and inclinations of parliament, had been retained by the King at Oxford, to prevent his executing his office of lord-lieutenant in Ireland. He remonſtrated to the parliament, That he could not, to have ſaved the lives of himſelf and friends, have ſolicited more earneſtly for his diſpatches, but all in vain. Carte, the marquis of Ormond's biographer, writes, That the King was reſolved that the lieutenant-general of the army ſhould not be interrupted in his meaſures, nor his own ſervice hurt by the arrival of a more powerful head. The ſame writer obſerves, on his hero's promotion, That the King thought it neceſſary to put the government of Ireland entirely into his hands; becauſe he alone was capable, as well as willing, to keep the ceſſation from being violated by new and open hoſtilities, and to diſpoſe matters to a general peace. *Ruſhworth*, vol. V. *Carte's Life of Ormond*, vol. I. p. 395, *& ſeq.* 475, *& ſeq.*

Ann. 1646. royal expectations. A large body of men was immediately ſent over to ſerve the King againſt the Engliſh parliament: inſtead of reſenting the perfidious dealing of the rebels in the breaking the articles of the ceſſation, commiſſioners were appointed to perſuade them to preſerve the peace *. To this end, the eſtates and caſtles of their leaders were taken from the Proteſtants, to whom they had been truſted in payment of their ſervices, and returned to their owners, who were likewiſe flattered with the hopes of filling the poſts which ſhould become vacant in the government. Under the color of ſending agents to the King to repreſent their grievances, a privilege allowed by the articles of the ceſſation, a treaty of peace was carried on at the court at Oxford, between the King and the Iriſh Papiſts; in which the latter preferred ſuch extravagant propoſitions, that, the King's council thinking them too ſcandalous to treat on, they were ſuppreſſed, and others preſented, under the appellation of being ſo moderate, that the Iriſh nation could not ſubſiſt in the condition of free ſubjects if their deſires were not granted. The demands thus eſteemed by the Papiſts were, The full and legal freedom of their religion; the calling a parliament, in which the Papiſts ſhould have free liberty to act; the ſuſpenſion of Poyning's Act, whilſt this parliament was ſitting; the annulling all acts and ordinances of the Iriſh parliament ſince the commencement of the rebellion; the vacating all indictments, attainders, outlawries,

* Ormond was poſitively commanded by the King, not to proceed by any means to a new rupture with the Iriſh. *Carte's Appendix to his ſecond volume*, p. 9.

and

and grants, in prejudice of the Iriſh Papiſts; an act Ann. 1646.
of limitation for the ſecurity of eſtates; an inn of court to be erected; the ſchools and univerſity to be free; places of power, truſt, and confidence, to be equally and indifferently conferred on Popiſh natives; the Court of Wards to be aboliſhed; that no perſon not eſtated nor reſident ſhould be allowed to vote in either houſe of parliament; that an act ſhould be paſſed, declaring the independency of the kingdom on the parliament of England; that the juriſdiction of the council-board ſhould be limited to matters of ſtate; that the ſtatutes of the eleventh, twelfth, and thirteenth of queen Elizabeth, concerning ſtaple commodities, ſhould be repealed; that no governor ſhould continue above three years, and during his government ſhould be diſabled from purchaſing land, except from the King *; that an act ſhould be paſſed in the next parliament for the raiſing and ſettling the trainbands; that an act of oblivion ſhould be paſſed, to extend to all perſons and goods: and, by way of inſult on the Proteſtants, who were to be judged at the tribunal of a Popiſh parliament, the rebels propoſed, That all notorious murders, breaches of quarter, and barbarities on either ſide, might be queſtioned in the next parliament, and ſuch as ſhould appear to be guilty excepted out of the act of oblivion, and pu-

* Had the Papiſts never manifeſted oppoſition on other than the principles of civil liberty, they would have met with no interruption from the Engliſh parliament; but it is plain from the whole tenor of their conduct, that this was but a ſecondary object, which they would have chearfully ſacrificed to the intereſt of their beloved ſuperſtition.

niſhed

Ann. 1646. niſhed according to their deſerts *. Upon the grant of theſe propoſitions, they promiſed to contribute ten thouſand men towards ſuppreſſing the power of the Engliſh parliament; and farther, to expoſe their lives and fortunes towards ſerving his majeſty, as occaſion ſhould require.

An unlucky circumſtance attending this tranſaction, occaſioned inſurmountable difficulties to the councils of the court: a large body of the Iriſh Proteſtants, when they underſtood the reſolution which had been taken to admit of the repair of Popiſh agents to Oxford, petitioned the government for a licence to attend the King on the behalf of the Proteſtant intereſt. On obvious conſiderations, this reaſonable requeſt was denied; but the Proteſtants, meeting with the concurrence of the Iriſh parliament, and under the ſanction of the King's proclamation, ſignifying he would hear the complaints of both parties, commiſſioned a committee of their body to repair to Oxford, and attend to the ſecurity of the Proteſtant intereſt. The ſeveral allegations and propoſitions

* As ſeveral Papiſts fell a ſacrifice to the revenge of the Proteſtant ſoldiers, for the exceſſive injuries their brethren had ſuffered, it has been the faſhion of modern writers to confound the criminals on both ſides in one common cenſure. This is flattering the Papiſts at the expence of juſtice and of truth. The acts of violence which had been committed by the Proteſtants on the perſons of Papiſts, were of a very inferior nature to thoſe unprovoked barbarities which had been inflicted by Papiſts on Proteſtants; and as the Papiſts, in the perpetration of their horrid cruelties, can bear no compariſon but to the idea we have formed of the proprietors of Hell, ſo the Proteſtants, in the execution of their revenge, acted in the characters of men, and under the influence of human vice and infirmity.

which

which had been delivered in by the Popiſh agents were fully anſwered by this committee; who required, for the preſervation of the Proteſtant religion, That the penal laws ſhould continue in force, and be put in execution; that the parliament now ſitting in Ireland ſhould be continued; that all lawyers who refuſed to take the oath of ſupremacy ſhould be reſtrained from practice; that the preſent aſſumed power of the confederated Papiſts ſhould be diſſolved; that the arms and ammunition of the ſaid confederates ſhould be given into his majeſty's hand; that the loſſes of his majeſty's Proteſtant ſubjects ſhould be repaired out of the forfeited eſtates not otherwiſe formerly diſpoſed of by act of parliament; that the ſaid confederates ſhould rebuild the ſeveral plantations, houſes, and caſtles, deſtroyed by them in the rebellion; otherwiſe, that his majeſty's Proteſtant ſubjects, who had been bound by their ſeveral patents to build and maintain them for his majeſty's ſervice, ſhould be diſcharged from that condition in his grant; that the arrear of rent due to his majeſty out of the eſtates of his Proteſtant ſubjects ſhould be paid him by the confederate Papiſts, who had received them to their uſe; that exemplary puniſhment ſhould be inflicted on ſuch of the principal offenders as had embrued their hands in ſhedding of innocent blood, or who had had to do with the firſt plot or conſpiracy; that his majeſty's towns, forts, and places of ſtrength, deſtroyed by the confederates ſince the rebellion, ſhould at their charge be re-edified, and delivered up into his majeſty's hands, to be veſted with Proteſtants; and that all fortifications made by the confederates ſince Ann. 1646.

their

Ann. 1646. their rebellion ſhould be deſtroyed; that his majeſty's Proteſtant ſubjects ſhould be reſtored to the quiet poſſeſſion of all their caſtles, houſes, &c. monies, plate, &c. from whence they had been put out and kept; that the eſtabliſhment and maintenance of a complete Proteſtant army, and ſufficient Proteſtant ſoldiers and forces in Ireland, ſhould be taken under his majeſty's conſideration; that nothing in any reſpect ſhould be granted derogatory to Poyning's Law; that if his majeſty ſhould think fit to grant to the confederate Papiſts an act of oblivion, that his majeſty would not allow of any diſcharge, or releaſe any actions, ſuits, &c. whereby his majeſty's Proteſtant ſubjects ſhould be deprived of redreſs in reſpect of any wrongs they might have ſuſtained; that proviſion ſhould be made, that none ſhould ſit or vote in parliament but ſuch as had firſt taken the oaths of ſupremacy and allegiance.

It was not till after much ſolicitation that the Proteſtant agents could get a copy of the propoſitions the rebels had preferred; and, on the delivery of their own propoſals, they were chidden by the council *, and told, That what they had aſked was contrary to the ſenſe of the body of Iriſh Proteſtants; that their propoſitions would lay a prejudice on his majeſty and on his poſterity, remaining on record, ſhould a treaty

* Sir Philip Percival, one of the committee who, by the King's directions, had been ſent over by the Iriſh adminiſtration to aſſiſt at the treaty, wrote to the marquis of Ormond, That the Proteſtant agents obſerved the Iriſh high, and courted by divers; and themſelves, even by their acquaintances, as they thought, neglected. *Carte*, vol. III. *State Letters*, p. 305, *& ſeq.*

go

go on and a peace follow, which the King's neceſſities Ann. 1646.
did enforce. The agents prudently anſwered, That they were ſtrangers to his majeſty's affairs in England; that they conceived theſe matters more fit for his majeſty's council; and therefore deſired to be excuſed from meddling in the treaty farther than manifeſting the truth of the Proteſtants petition, and propoſing in the behalf of that body according to the inſtructions which had been given them. On this reply, they were told by Sir George Radcliffe, That while they continued ſo high and unreaſonable in their demands, they muſt expect nothing but war: "We had rather, returned they, undergo the hazard of war than conſent to a diſhonorable and deſtructive peace." On being farther preſſed, by the King himſelf, to anſwer the rebels propoſitions in a manner more concordant to the preſent occaſions, they told him, That they looked on thoſe propoſitions as deſtructive to his majeſty, his laws, government, and Proteſtant ſubjects *.—A committee from the Dublin council, who, for the pliability of their principles, had been ſelected by government for the office of adviſing on the affairs of Ireland, rendered inſurmount-

* The earl of Briſtol had the inſolence to inſult them on the low ebb to which the King had reduced the Proteſtant intereſt, by adding, That his majeſty expected they ſhould declare what was prudentially fit for him to do; ſeeing the Proteſtants were not in a condition to help themſelves, and he would not allow them to join with the Scots, or any who had taken the covenant. To this the King added the following query: "What will become of the Iriſh Proteſtants if the Popiſh agents break off their treaty, which it is to be feared they will do, if they have not their propoſitions for the moſt part yielded unto?" *Rushworth*, vol. V. p. 917.

Ann. 1646. able the difficulties which the Proteſtant agents had thrown on the treaty, by inſiſting, as a neceſſary ſecurity for that body, That the Iriſh Papiſts ſhould be diſarmed; that they ſhould repay all the damages ſuſtained by the war; that the penal laws againſt recuſants, eſpecially the clergy, ſhould be put in execution; and that thoſe who had been the moſt guilty of the maſſacres and barbarities perpetrated in the commencement of the rebellion, ſhould be excepted from pardon *.

THE granting conceſſions, contrary to the opinion of the whole body of Iriſh Proteſtants, not one of the council had the hardineſs to ſecond; and the King, deſtitute of their authority, had recourſe to the advice which had been given him by his Engliſh council in regard to Iriſh grievances, previous to the breaking out of the rebellion. He declared himſelf

* A letter from Sir George Radcliffe to the marquis of Ormond expreſſes ſomething of the reſentment which the court entertained on this unexpected conduct of the ſtate-committee; viz. "Sir William Stuart and lord-chief-juſtice Lowther have played the fools notably, as we think here, oppoſing Papiſts more than there were any hopes to prevail, fearing to offend the parliament, and indeed ſeeming very averſe to peace upon ſuch terms as it might be hoped for. Sir Philip Percival agreed with them in all things, and had gone here for a roundhead, if your excellence had not recommended him as you did." This Sir Philip Percival had vindicated the ceſſation to the parliament, on the point of neceſſity; and, by the directions of Ormond, had executed a good deal of court-drudgery; but the Iriſh peace ſtuck with many who had gone all lengths, and every conſcientious ſcruple which forbad the utmoſt exceſs of villainy in ſo good a cauſe, cancelled the merits of paſt ſervices, and could never be forgiven. *Carte*, vol. III. *State Letters*, p. 316.

ready

ready to releaſe all his right to the lands which had been found by the offices appointed by the earl of Strafford, except to ſuch as lay in the counties of Kilkenny and Wicklow, and to paſs an act of limitation as deſired: He conſented that the book of rates ſhould be ſettled by an indifferent committee of parliament: He would take care that his Iriſh ſubjects ſhould not be oppreſſed by the Court of Wards: For the articles of the council-table, the votes of abſentees, the ſitting in parliament of perſons not eſtated in the kingdom, he referred to his anſwers given formerly to the committees of parliament; and agreed that the chief governors ſhould be inhibited from making any purchaſe, other than by leaſe, for the proviſion of their houſes, during the time of their government: For the independency of the kingdom, he referred it to the debates of both parliaments: He knew not any incapacity upon the natives, he ſaid, to purchaſe either lands or offices; if there were, he would willingly conſent to an act for removing it, and alſo to the erecting an inn of court, univerſity, and free-ſchools: He refuſed to declare the acts and ordinances paſſed in parliament ſince Auguſt 7, 1641, to be void; but would take care, he ſaid, that the Popiſh party ſhould not receive any prejudice thereby: He refuſed to annul the indictments, attainders, and outlawries, which, he added, had been legally taken and regularly proſecuted; but was ready to grant a general pardon, excepting to all ſuch as were proper to be excluded; and to conſent to ſuch an act of oblivion as ſhould be prepared and tranſmitted to him by the advice of the lord-lieutenant and the Ann. 1646.

Ann. 1646. Iriſh council, who were fitteſt, he ſaid, to conſider in what ſtate debts were to be left, and particular actions to be waved; in which caſe, he ſhould be content to releaſe what particularly concerned himſelf: For the propoſition concerning the train-bands, he waved giving any concluſive anſwer to it for the preſent: And for a new parliament, as there were ſome doubts about the legality of its continuance ſince the lord deputy Wandesford's death, he was content to call a new one, upon condition that all particulars were previouſly agreed, and the acts to be tranſmitted as uſual: As to the main point, concerning the repeal of the penal laws, the King anſwered, That they had never been executed with rigor; and if his Popiſh ſubjects would, by returning to their duty, merit his favor and protection, they ſhould never for the future have cauſe to complain that leſs moderation was uſed to them than had been in the moſt indulgent times of queen Elizabeth and king James; and thoſe of the party who merited his favor ſhould receive ſuch marks of it, in offices and places of truſt, as ſhould plainly ſhew his good acceptance and regard of them. —Theſe conceſſions, which in a manner gave up the Proteſtant intereſt, and the ſecurity of the whole body, to their inveterate enemies the Papiſts, were far from ſatisfying the expectations they had formed from the diſpoſition of the court. On the delivering his anſwer, the King admoniſhed the Papiſts to conſider his circumſtances and their own, and how far their intereſt was connected and dependent on his fortunes; that if upon thoſe conditions which he could now grant, and which were very ſufficient for the ſecurity of their

their religion, lives, and fortunes, they made haſte Ann. 1646.
to enable him to ſuppreſs his parliament, he would never forget the merit of ſuch a ſervice, and it would then be abſolutely in his power to vouchſafe graces to them to complete their happineſs; and which, he gave them his royal word, he would then diſpenſe in ſuch a manner as ſhould not leave them diſappointed of any of their juſt and full expectations: But if, by inſiſting on ſuch particulars as he could not in conſcience conſent to, and which would do him more diſſervice than all their aſſiſtance could countervail, they ſhould delay their joining with him till his party was ſuppreſſed, it would then be too late to give him help; that they would find their ſtrength in Ireland but an imaginary ſupport for his or their own intereſt; and that, when the parliament had deſtroyed him, they would without difficulty root out their nation and religion *. The Popiſh agents, who were now fully informed of the King's ſituation, confeſſed that the demands which their principals had ordered them to inſiſt on, were ſuch as his majeſty could not conſent to in the preſent condition of his affairs; and promiſed him to uſe their endeavors to procure the full ſubmiſſion and obedience of the confederate Papiſts, upon ſuch terms as he could conſent to for their ſecurity.

* Lord Clarendon, who has been unfair enough to ſuppreſs every thing which in his judgment could affect the King's character, has had the weakneſs to inſert in his Hiſtory of the Iriſh rebellion an admonition which fixes ſo foul a ſtain on the King, and on all thoſe of his party who were privy to his intentions.

As

Ann. 1646. As the King's council, to avoid the odium they ſhould incur by tranſacting a peace with the Iriſh, had refuſed to give their advice or ſpeak their ſentiments on the ſubject, the whole burthen of this infamous treaty was flung on the marquis of Ormond: all farther proceedings in it were referred to his management; he was ordered by the King to renew the ceſſation with the rebels for another year; and a commiſſion was ſent him, under the great-ſeal of England, to make ſuch a full peace and union with them as ſhould enable that kingdom to aſſiſt his majeſty in ſuppreſſing his Engliſh and Scotch rebels; and to encourage in the undertaking an enterprize ſo full of danger and public reproach, the lord Digby aſſured him, That notwithſtanding all appearing hazards, which might deter vulgar ſpirits, his excellency had nothing to fear but in the ruins of his majeſty and of monarchy itſelf, with which he was confident he would rather periſh than ſubſiſt after it. The marquis of Ormond, as himſelf expreſſes, regarded his intereſt as too much connected with the King's power not to run all hazards in its ſupport; and, according to the commands and commiſſion he had received from Oxford, a treaty of peace between the King and the Iriſh rebels was opened at Dublin on the ſixth of September, 1645.

BESIDES the difficulties under which the King's affairs labored in Ireland from the non-compliance of the Scots, the lord Inchiquin, vice-preſident of Munſter, though a fit tool of power, and by inclination

tion attached to the cauſe of royalty *, yet, being Ann. 1646.
diſappointed in the hopes he had conceived of ſucceeding Sir William St. Leger in the office of preſident, he determined to revenge his private wrongs by avowing the public cauſe; and, after openly declaring his reſolution by addreſſing the King † to conclude a peace with his parliament, and to the parliament for ſupplies to carry on the war with the Iriſh, he picked a quarrel with the government of the town of Cork, expelled the Papiſts from that city, and encouraged the ſoldiers and officers under his command to take the covenant. Inchiquin's defection was followed by that of lord Eſmond, the governor of the fort of Duncannon, who, after receiving conſiderable ſupplies from the King and the marquis of Ormond, declared himſelf openly for the parliament. The private ſoldiers of the Engliſh regiments in the North of Ireland could not be prevented by authority from taking the covenant; and their officers entered into an agreement with Monroe for an union with his forces in a vigorous proſecution of the war againſt the Iriſh rebels. Carte, vol. I. p. 495.

The King's private tranſactions with the Iriſh rebels, by the earl of Glamorgan.

WHILST continual ſkirmiſhes paſſed between the confederates army and the non-complying Scots and

* The ſupply of forces which the King had already received from Ireland had been ſent by the marquis of Ormond out of Leinſter, and by the lord Inchiquin out of Munſter. *Carte*, vol. I. p. 469.

† This addreſs was ſubſcribed by the lord Inchiquin and all his officers, and concludes thus: "Whatever your majeſty's reſolution is hereupon, ours is to purſue the war vigorouſly againſt thoſe inhuman and furious butchers; and we will rather chooſe to die martyrs in a good cauſe, than baſely abandon its defence."

Engliſh,

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† This lord Herbert was the ſame individual who had ſingly ſeconded Strafford's advice to the King to fight the Scots, with additional propoſals of a very pernicious tendency. On the breaking out of the war, he was appointed lord-lieutenant of South-Wales; but the forces which he had raiſed for the King, at his own and his father's expence, were all defeated in an expedition of Sir William Waller, which has been related in this Hiſtory.

letter

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* He was to proceed, by the advice of the judges, againſt all abſentees, and to ſeize their eſtates; no wardſhips were to be granted by the Court of Wards, but to ſuch perſons, and on ſuch conditions, as the lord-lieutenant ſhould think fit; a power was given him to determine all cuſtodiums formerly granted, and to apply their profits to the ſupport of the army; to ſequeſter diſaffected perſons from the council-board; and to remove and change the governors of counties, cities, caſtles, and forts at his pleaſure: and, that no perſon might ſuffer any puniſhment from having paid implicit obedience to his majeſty's orders, a pardon under the great-ſeal was at the ſame time ſent to the chief governor, the privy-counſellors, miniſters, and others who had been employed and acted in any part of his ſervice. *Carte*, vol. I. p. 521, *& ſeq.*

† To diſcharge the wardſhip and marriage of his ſon, in caſe he ſurvived his father, he was made a knight; grants were made to the marquis, and his heirs, of ſo many of the manors and lands of the crown which ſhould amount to one hundred pounds a year for every thouſand pounds he had expended in its ſervice, or were due to him for his entertainments; licence was alſo given for his repairing into England whenever he ſhould think fit, and appointing deputies to govern in his abſence. *Carte*, vol. I. p. 521.

‡ He had left Oxford in March 1644-5, but had been interrupted in his paſſage by one of the parliament's ſhips, which purſued him till he took refuge in a port of Cumberland.

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Ann. 1646. vested with very extraordinary powers, it seems, had been long expected by the Irish; nor were they disappointed of their warmest expectations. The lord Herbert produced a warrant, under the royal signet, to the following purport: That his majesty, reposing great and especial trust and confidence in his approved wisdom and fidelity, did, as firmly and to all intents and purposes as if the commission had passed the great-seal, give him power to treat and conclude with the confederate Roman Catholics of his kingdom of Ireland on terms, if upon necessity any were to be condescended to wherein his lieutenant could not so well be seen in, and not fit for his majesty at the present publicly to own: The commissioner was charged to proceed according to his warrant, with all possible secrecy; and, for whatsoever he should engage himself upon such valuable considerations, as he in his judgment did deem fit, his majesty did promise, upon the word of a king and a Christian, to ratify and perform, the said confederate Catholics having by their supplies testified their zeal for his service *.—

* Several other commissions, in a yet more extraordinary stile of confidence, and all of them signed by the King's private seal, were on proper occasions produced by the lord Herbert to persons of authority among the confederates. In one of these, dated January 6, 1644-5, the King gives the lord Herbert power for levying any number of men in Ireland and parts beyond the sea, the commanding them, the putting officers over them, governors in forts and towns, and to receive his rents. In another, dated the twelfth of the same month, he promises, on the word of a king and a Christian, That whatsoever the lord Herbert should perform, as warranted under the King's sign-manual, pocket-signet, private seal, or even by word of mouth, without farther ceremony, he would make good to all intents and purposes as effectually as if the authority had been under the great-seal of England,

On the twenty-fifth of August, 1645, a secret treaty Ann. 1646. was concluded between the lord Herbert on the King's part, and commissioners on the part of the confederates, on the following terms: That the Papists were Carte. to enjoy the public exercise of their religion, and all the churches of which they had gotten possession at any time since October 23, 1641: They were made capable of all offices of trust, and advancement, places, degrees, dignities, and preferments whatsoever, in Ireland: They were to be freed by act of parliament from all penalties and pains in any of the penal laws: They were to be exempted from the jurisdiction of the Protestant clergy, and their own clergy were to enjoy the tythes, glebes, and church-

land, with the advantage, the King said, that he should esteem himself the more obliged to the earl for his gallantry in not standing upon such nice terms to do him service; the King desires him to proceed chearfully, speedily, and boldly; and bound himself, if his commissioner should exceed what law could warrant, or the King's prerogative reach unto, not only to pardon him, but to maintain the same with all his might and power. Previous to the granting these commissions, the lord Herbert had obtained of the King a patent, unto which the great seal (which had been taken from its proper officer) was affixed by the King's servant Endymion Porter, creating him earl of Glamorgan; and on the twelfth of March 1644, another, creating him duke of Somerset, with the promise of the King's daughter Elizabeth in marriage to his son, with a portion of three hundred thousand pounds, and a commission to be generalissimo of three armies, English, Irish, and foreign, and admiral of a fleet at sea, with power to contract for wardships, customs, woods, or any other of the King's rights and prerogatives. This commission mentions, That the King had entrusted the earl with several patents, under the great-seal of England, from a baronet to a marquis, which he gave him full power and authority to dispose of. *King Charles's Transactions with the Earl of Glamorgan, by Dr. Birch.* *Carte's Life of Ormond*, vol. I. p. 558.

Ann. 1646. revenues in their poſſeſſion, and to exerciſe their juriſdiction without controul. In conſideration of theſe conceſſions, the Papiſts were to ſend ten thouſand men into England, under the command of the lord Herbert, who were to be kept together in one entire body, under officers named by the general aſſembly of the confederate Papiſts *.—The confederates were

* This infamous treaty with the Iriſh rebels, contrary to honor, contrary to conſcience, contrary to the King's ſolemn vows, profeſſions, and declarations, though it has puzzled, yet it has not ſilenced that numerous tribe of bigotted writers who have attempted the vindication of his character, at the expence of truth, morality, and religion. There are of this liſt of advocates who, in contradiction to undeniable evidence, have had the ſhameleſs boldneſs to deny the fact; others, with more modeſty, have preſerved an entire ſilence on the whole tranſaction; whilſt others again, whoſe talents in the art of ſophiſtry are in no ways inferior to the moſt ſkilful of the Jeſuitical arguers, have excuſed the King's conduct on the plea of Neceſſity; a plea which, if allowed as a vindication for guilty actions, annihilates moral law: ſtrong temptation is neceſſity, guilt incurs neceſſity; whilſt circumſtances, vicious appetites, and even crimes themſelves, becoming advocates for more atrocious acts of wickedneſs, give the lye to moral ſenſe; and confound thoſe plain ideas of vice and virtue which the great Author of our exiſtence has implanted in the human mind for the preſervation of human innocence: a plea ſo contradictory to undepraved reaſon reflects diſgrace on the urger. Neither, were it admitted, would it tend to a juſtification of the King, who, when his affairs in England and the Proteſtant intereſt in Ireland were in a very proſperous ſituation, before the Iriſh armies were formed under O'Neil and Preſton, when very few of the caſtles and none of the towns, except Kilkenny, were in the hands of the rebels, before the parliament called in the Scots to their aſſiſtance, when the letters of his friends to his party in Ireland ſpoke nothing but triumphs, and were full of inſults on the low ſtate to which the parliament was reduced, ſo early as the twelfth of January 1642-3, ſent inſtructions to the marquis of Ormond to treat with them of a peace. In another letter, of the ſecond of February, he earneſtly deſires him to ſend him word with all

ſo much aware of the King's inſincerity, that they Ann. 1646. not only obliged his commiſſioner to ſwear that he

all ſpeed of the particulars of the buſineſs, as how, when, and in what meaſure it will be done; aſſuring him that it ſhould not be hindered by the arrival of a more powerful head. In another, of the eighth of the ſame month, he commands him to ſlacken nothing in that buſineſs, whatever the juſtices might ſay or do; and that he would hinder his Proteſtant ſubjects from concurring with them in an intended requeſt for ſtopping the execution of his commiſſion to treat with the rebels. On the twenty-third of April, 1643, the King writes, "Ormond, I have ſent you herewith a command and power to make a ceſſation with the rebels, which, though it be not ſo formally legal as I could wiſh, yet I deſire you earneſtly to put thoſe my commands in execution; and as ſoon as that is done, Ormond muſt bring over the Iriſh army under his command to Cheſter." The King actually drew out of Ireland ſome of the forces neceſſary for the defence of the Proteſtants in that kingdom, before the ceſſation with the rebels was concluded, or the Scots invading England was propoſed or thought on. The promiſes he made the Papiſts, in conſideration of their condeſcending to ſave appearances in the negociation at Oxford, were of an earlier date than the treaty at Uxbridge; a treaty which he only admitted to pleaſe his own party, and not from any imagined neceſſity in the ſituation of his affairs, ſince he never intended to come to any terms with the parliament. Immediately before the Uxbridge treaty, the King wrote two letters to the marquis of Ormond to preſs the Iriſh to conclude a peace, and to perſuade them to ſend him a ſpeedy aſſiſtance in England and Scotland: in the ſecond of theſe he promiſes, That the penal laws againſt the Papiſts ſhall not be put in execution; and that, when they have given him aſſiſtance, he will conſent to a repeal of them by a law. In a letter immediately after the breaking up of the treaty, the King commands the marquis of Ormond to conclude a peace with the Iriſh, whatever it coſt; and that if the ſuſpenſion of Poyning's Act for ſuch bills as ſhall be agreed on between the lieutenant and the Papiſts, and the preſent taking away of the penal laws againſt Papiſts, would do it, he ſhould not think it a hard bargain, provided they did freely and vigorouſly engage in his aſſiſtance againſt his rebels of England and Scotland; for which no conditions could be too hard, "not being, the King ſaid, againſt con-

Ann. 1646. himſelf would ſee the articles performed, and in default thereof not to permit the army entruſted to his

conſcience and honor." The marquis of Ormond meeting with an interruption in his negociation, by the council of Ireland being of opinion that the conditions the rebels ſtood on, and the conditions the King was willing to grant, were againſt both conſcience and honor, his majeſty gave the commiſſion above-related to the lord Herbert, ſtyled in the ſaid commiſſion Earl of Glamorgan; and this at a time when, as himſelf expreſſes to the queen, his affairs were in ſuch a proſperous ſituation in England that he ſtood a fair chance for complete victory: and, in the ſame ſunſhine of fortune, the King wrote to the queen to promiſe to whom ſhe thought fit, that he would take away all the penal laws againſt the Papiſts in England. On the urgent call of neceſſity, there is not one of the creatures of the court who would not have rejected every prudent honeſt conſideration, and violated every law divine and moral, to have ſerved a maſter on whoſe ſucceſs their fortunes depended; but that the King's condeſcenſions to the Iriſh rebels were on a different principle, and from other motives, and ſo imagined by his own party, is evidenced from the nature of undoubted facts, from the teſtimony of lord Sunderland, and from a letter written by Sir George Radcliffe to the lord-lieutenant, wherein is the following paſſage: "I muſt tell you the advice of a very good friend, Mr. Secretary Nicholas, who dares not write ſo himſelf: you will have many things recommended by the King and others; do not juſt the contrary, but forbear a little till you have returned a civil anſwer, and then do what you will; but let no letters put you from your own way." The King, well acquainted with the dread in which his own party beheld the growing influence of the Papiſts, with the ſame arts of deceit, carefully concealed from them, as from the reſt of his ſubjects, his inclination towards a cloſe connection, and his negociations with the Iriſh rebels. A public diſpatch he had made to Ormond, in which he commanded him to leave things to the chance of war, rather than to give his conſent to any ſuch allowance of Popery as muſt evidently bring deſtruction on that profeſſion, which, by the grace of God, he ſaid, he ſhould ever maintain through all extremities, he notified to prince Rupert, with the following ſelf-commendation: "I am ſending to Ormond ſuch a diſpatch as, I am ſure, will pleaſe you and all honeſt men:" but, in leſs than three months after, in a private letter to the

charge to adventure themſelves in his majeſty's ſer- Ann. 1646.
vice, but, on the twenty-eighth of Auguſt, paſſed the following declaration: That their union and oath of aſſociation ſhould remain firm and inviolable, and in full ſtrength in all points and to all purpoſes, until the articles of the intended peace ſhould be ratified

the lieutenant, he writes, "I find by yours to Digby, that you are ſomewhat cautious not to conclude the peace without at leaſt the concurrence of the Iriſh council, which if you could procure, I confeſs it would be ſo much the better; and therefore I have ſent herewithal another letter to you, to be communicated to them, which takes off thoſe reſtrictions which I have laid formerly upon you in a public letter: but the Iriſh peace is of ſuch abſolute neceſſity, that no compliments or particular reſpects whatſoever muſt hinder it; wherefore I abſolutely command you, and without reply, to execute the directions I ſent you the twenty-ſeventh of February laſt, giving you leave to get the approbation of the council, ſo as, and no otherwiſe, that by ſeeking it you do not hazard the peace, or ſo much as an affront, by their fooliſh refuſing to concur with you; promiſing, upon the word of a King, that, if God proſper me, you ſhall be ſo far from receiving any prejudice by doing this ſo neceſſary a work, though alone, that I will account it as one of the chiefeſt of your great ſervices to me; and accordingly you ſhall be thought upon by, yours, &c."

It may not be improper to ſubjoin to theſe obſervations, that the King, in a meſſage to the two houſes the eighth of April 1642, ſolemnly called God to witneſs, that he would never conſent, upon what pretence ſoever, to a toleration of the Popiſh profeſſion, or abolition of the laws then in force againſt Popiſh recuſants in Ireland. And in a proteſtation which he made publicly, July 1643, before he received the ſacrament from the hands of archbiſhop Uſher, he uſed the following words: "May I ſo receive comfort by the bleſſed ſacrament as I do intend the eſtabliſhment of the true reformed Proteſtant religion, as it ſtood in its beauty in the happy days of queen Elizabeth, without any connivance of Popery." *Carte's Appendix. State Letters by Carte. Warner's Hiſtory of the Iriſh Rebellion*, p. 290, *& ſeq. King Charles's Secret Tranſactions with the Earl of Glamorgan, by Birch*, p. 278, *& ſeq.* 341.

in

Ann. 1646. Birch's Enquiry.

in parliament, notwithſtanding any proclamation of peace *.

* Previous to this negociation, there had been an attempt made to conclude a private treaty with the rebels. Colonel Fitz-Williams, a ſon of the viſcount Merion, had been authoriſed by the queen to aſſure them of ample conditions in point of religion, on the terms of their aſſiſting the King with a body of ten or twelve thouſand men, to be commanded by the ſaid colonel. Of this commander and intended invaſion the lord Jermyn, the queen's favorite and conſtant attendant, writes to the King's ſecretary, the lord Digby, in the following terms: "You will obſerve part of his demands to conſiſt of a conſiderable body of horſe, which muſt meet at the place agreed on for his landing. Marquis Newcaſtle being here, and acquainted with this propoſition, and foreſeeing the landing can only be towards the North, in Lancaſhire, hath believed he might not be an improper perſon for the conduct of this body of horſe to this conjunction; and believes farther, that the ſtage for it being among his friends, he may ſerve uſeful in it. How reaſonable this is imagined cannot be determined here, for it muſt reſt upon the diſpoſition that the King's troops in general will be in, when the reſolution for this particular ſhall be taken, to determine whether marquis Newcaſtle or any other may be fit for the charge of conducting a body of horſe to this conjunction with the colonel; in caſe the King think fit to ſet forward the buſineſs, and that he be ſo fortunate as to go through with it, the queen doth approve of, but not as a thing to be much relied on, for it is a great thing that will remain to be done on the colonel's part, if the King ſhall be able on his to comply with all the demands; which the queen believes his majeſty is in no eſtate for, neither doth ſhe think they are demanded ſo much in hopes of having them performed, as that the promiſe ſhould give him means in Ireland, the better to bring about undertakings, but rather, as that which when it ſhall fail, if it diſappoint no other enterprize of the ſame kind more like to produce the effects aimed at in this, which ſhe hopes you will have a care of, can be of no inconvenience, and therefore adviſeth you to conſider it very ſeriouſly; and in what reſolution ſoever ſhall be taken, that there be a ſpecial care had of giving the perſon of the colonel all ſorts of ſatisfaction, as a man fully deſerving it, and zealouſly affected to the King's ſervice. If marquis Newcaſtle ſhould be thought fit to have the charge of any troops appointed to join with thoſe he ſhall bring, he

Ann. 1646. Birch's Enquiry.

Some time after the concluſion of this clandeſtine buſineſs, by the preſſing deſire of the marquis of

he is well contented all ſhould fall under his command, and he to command under him; if any other, he muſt be choſen, as that the colonel may command him as general; this is as much as need be ſaid to you of this matter. Pray do me the favor to let the colonel know I have recommended him to you, and uſe him very kindly."

Two different letters, the one from lord Jermyn to lord Digby, and the other in anſwer from lord Digby to lord Jermyn, in which were the following paſſages, were taken at the battle of Sherborn among Digby's papers, and publiſhed by the parliament: "Sir Kenelm Digby writes hopefully of ſupplies of money from Rome, but concludes nothing; the Iriſh troubling all our ſolas, until the peace be made with them, I fear all Catholic help will be drawn that way: upon this purpoſe I muſt tell you with what amazement the delays of the peace of Ireland is conſidered here, and you leave us ſo ignorant of the conditions of the treaty, that we know not what to ſay of it. If yet it be not concluded, it is not likely it will be, by thoſe who manage it now: and therefore it ſeems to me for ſatisfaction of thoſe that ſo much preſs it, of the Iriſh, and to ſatisfy this ſtate, who are much of that opinion, and to ſecure our hopes at Rome, and laſtly to put that buſineſs into a poſſibility of being concluded, that the propoſition long ſince made to the King, of having the treaty made here by the queen and queen-regent, were not unfitly reſumed. For I am confident the King by this means might have the peace upon better terms, and might limit the queen by the ſame inſtructions that thoſe that now treat are bound by; and upon this, one of theſe fruits would follow, that either —— ſhould have the peace, or the exorbitancy of their demands would be ſo apparent to the queen-regent, that we ſhould have great advantage by that; the only thing I fear is, that the King's party in Ireland might poſſibly not acquieſce in ſuch a peace as would be fit for the King to make, and then he would have the ſcandal of it (for it will be a ſcandalous one, that is unavoidable) without the benefit of an aſſiſtance from Ireland. To conclude, if nothing be done in Ireland, I think it moſt neceſſary that the offers of treating be withdrawn from thence, and that the queen may be truſted to treat and conclude with the queen-regent here, and with ſuch as the Catholics of Ireland ſhall appoint."

Ann. 1646. Ormond, who, in a letter to the lord Muſkerry, ſtrongly inſinuated that he would join in the performance of all which ſhould be undertaken by the lord Herbert *, a ſham treaty, in the conducting of

" The buſineſs of Ireland hath hung long in ſuſpence, although the King hath long ſince given my lord of Ormond power to conclude peace there, upon the very utmoſt conceſſion that can poſſibly be yielded unto, without cauſing a revolt, not only of all his party here, but alſo ſuch a one of his army, and all his Proteſtant ſubjects there, as would make it impoſſible for the Iriſh to afford us any aids, they would have ſo much to do within themſelves againſt thoſe that would not ſubmit to peace upon ſuch terms: The truth of it is, the Iriſh have proceeded hitherto as if they had no good intention, having not been contented with the offers of more than their agents did profeſs to expect; and inſiſted upon thoſe demands, the granting of which they could not but ſee would be abſolutely deſtructive to his majeſty, that is, the granting unto them the Proteſtants churches in ſuch pariſhes where the number of the Catholics was greater, that is (in effect) all through Ireland. And whereas you write, That perhaps my lord of Ormond is not the fit perſon to conclude that buſineſs, but that the management of it ſhould be remitted to the queen, I am much afraid that the expectation of that in the Iriſh hath much retarded the hoped-for iſſue of the treaty; but God be thanked we received men: now the certain news that the peace there is concluded, and that an expreſs from my lord of Ormond is upon his way from Cheſter, with all the particulars, the utmoſt extent of my lord of Ormond's power to grant, was the ſuſpenſion of Poyning's Act as to the paſſing of ſuch bills as ſhould be firſt agreed on; the repeal of the penal laws; and the allowing the Papiſts ſome chapels in private places for the exerciſe of their religion: but you may not take notice that he had ſo large a power, for happily he may have obtained a peace upon a better bargain." *Huſbands's Collections, fol. ed.* p. 852, *& ſeq.* p. 858, *& ſeq.*

* He wrote to the lord Muſkerry, That he knew no ſubject in England upon whoſe favor and authority with his majeſty he could better rely than upon lord Glamorgan's, nor any perſon whom he (Ormond) would more endeavor to ſerve in thoſe things which that lord ſhould undertake for the ſervice of his majeſty, or with whom he would

which few difficulties were ſtarted on either ſide, was Ann. 1646. renewed at Dublin. On a propoſal of the marquis of Ormond it was agreed, That what farther graces the confederates had to aſk, in point of religion, ſhould be referred to his majeſty's pleaſure; and a propoſition of the rebels, that no clauſe in the articles of the treaty ſhould be conſtrued to hinder the benefit of his majeſty's conceſſions, was admitted.—The whole buſineſs was on the point of concluſion, when it met with an interruption by a very unexpected accident. In an attempt which the rebels had made on the town of Sligo, at the end of October in the year 1645,

would ſooner agree for the benefit of the kingdom. This letter was delivered by the confederate Papiſts to Rinnucini, the Pope's nuncio, as a proof that the lord-lieutenant would ſupport the agreement which had been made, or any which ſhould be made with the earl of Glamorgan. The marquis of Ormond, in a letter of an after-date, addreſſed to the earl of Glamorgan, profeſſed, That though he did not underſtand what his lordſhip's authorities from his majeſty were, or what ways the earl meant to take to ſerve him, and therefore could give no judgment of either, yet he was ſo great a reverencer of the King's authority, and ſo deſirous to advance his ſervice, that if his lordſhip would let him ſee the one, and inſtruct him in the ways of the other, he ſhould find from him ready obedience to his majeſty's power, and no diſturbance to what he ſhould find done for his ſervice. Ormond's motive for his ready, paſſive, and active obedience, on this extraordinary occaſion, is given in a kind of confeſſion which he makes in a letter of a preceding date to the ſame individual, Glamorgan; viz. " My lord, my affections and intereſt are ſo tied to his majeſty's cauſe, that it were madneſs in me to diſguſt any man who hath power and inclination to relieve him in the ſad condition he is in; and therefore your lordſhip may ſecurely go on in the way you have propoſed to yourſelf to ſerve the King, without fear of interruption from me, or ſo much as enquiring into the means you work by." *Warner*, vol. I. p. 349. *Birch*, p. 163, 258.

Ann. 1646. they were repulſed, and their commander, the titular archbiſhop of Tuam, was killed. In this prelate's baggage was found a copy of the private treaty which had been concluded between the King and the rebels: This was immediately tranſmitted to the Engliſh parliament; and the whole tranſaction thus becoming public, both in England and Ireland, the lord-lieutenant and council found it abſolutely neceſſary to do ſomething to vindicate the King's honor. The lord Digby, who was by this time arrived at Dublin *, came to the council-board; and after vehemently declaiming againſt the private treaty, and aſſuring the board that he was confident the King, to redeem his crown, his life, and the lives of his queen and children, would not grant to the confederates the leaſt part of conceſſions ſo deſtructive to his regality and his religion, he charged the lord Herbert with a ſuſpicion of high-treaſon †. The lord Herbert

* After his defeat at Sherborn.

† The lord Digby, in a long letter to ſecretary Nicholas, apologized in the following manner for the neceſſity of this meaſure: That if the conditions of peace granted to the Iriſh by the earl of Glamorgan were once publiſhed, and that they ſhould be believed to be done by his majeſty's authority, they would have no leſs fatal an effect than to make all men ſo believing conclude all the former ſcandals caſt on his majeſty, of the inciting the Iriſh rebellion, to be true; that he was a Papiſt, and deſigned to introduce Popery by ways the moſt unkingly and perfidious; and conſequently that there would be a general revolt from him of all good Proteſtants with whom ſuch an opinion did take place. "Now farther, obſerved the lord Digby, when we conſidered the circumſtances convincing the truth of this tranſaction on my lord of Glamorgan's part, and how impoſſible almoſt it was for any man to be ſo mad as to enter into ſuch an agreement without powers from his majeſty, and there being ſome kind of a formal

was immediately committed; but the next day was Ann. 1646. enlarged from cloſe impriſonment; and ſoon after,

a formal authority vouched in the articles themſelves, we did alſo conclude, that probably the greateſt part of the world, who had no other knowledge of his majeſty than by outward appearances, would believe this true, and do according to that belief, unleſs his majeſty were ſuddenly and eminently vindicated by thoſe who might juſtly pretend to know him beſt. Upon this ground it was alſo concluded by us, that leſs than an arreſt of the earl of Glamorgan, upon ſuſpicion of high-treaſon, could not be a vindication of his majeſty eminent or loud enough; and that this part could not properly nor effectually be performed by any other perſon than myſelf, both in regard of my place and truſts near his majeſty, &c. This being our unanimous judgment of what was fit to be done, and by whom, the only queſtion then remaining was to the point of time; in which we were alſo of opinion, that if it were deferred till the buſineſs, growing public otherwiſe, ſhould begin to work its miſchief, his majeſty's vindication would loſe much of its force, and be thought rather applied to the notoriety than the impiety of the thing, and rather to the pernicious effects than to the deteſtable cauſe itſelf. Notwithſtanding, I muſt confeſs to you, that the conſideration of fruſtrating the ſupplies of three thouſand men, which were ſo confidently affirmed to be in readineſs for the relief of Cheſter, in caſe the condition of that place could not bear the delay which this might occaſion, wrought in us a very great ſuſpenſion of judgment, whether the proceedings againſt my lord of Glamorgan ſhould not be forborn till that ſo neceſſary a ſupply were ſent away: but the caſe being more ſtrictly examined, we found, firſt, that by the earl of Glamorgan's oath, the forces were not to be hazarded till his majeſty's performance of the ſaid earl's conditions; and, ſecondly, that the ſupply was never intended by my lord of Glamorgan and the Iriſh till the articles of peace were conſented to, which the lord-lieutenant durſt in no wiſe do without a preceding vindication of the King's honor, ſince this tranſaction of my lord of Glamorgan's was known unto him, and known to be known unto him by thoſe who wanted neither art nor malice to make uſe of it; ſo that the neceſſary forbearance to conclude the treaty fruſtrating as much the relief of Cheſter, as the ſudden and vigorous proceedings againſt my lord of Glamorgan could do, our reſolutions did in the end

Ann. 1646. on the repreſentation of the general aſſembly, That neither an intended expedition for the relief of Cheſter,

end determine upon that courſe: when at the inſtant, to remove all objections, information was brought us, that the thing was already public throughout the town, and began to work ſuch dangerous effects as in truth I do not believe that my lord-lieutenant, or any of the King's faithful ſervants, could have been ſafe in the delay of this his majeſty's and their vindication, which has now been ſo ſeaſonably applied as that it hath wrought here not only a general ſatisfaction in all moderate men, but even ſuch a converſion in many leſs well inclined, that whereas before a peace with the Iriſh, even by thoſe unavoidable conditions upon which my lord-lieutenant muſt needs within a few days have concluded it, would hardly have been publiſhed in this place without very much danger, mens minds are ſo ſecured and ſettled by this proceeding as that I believe the peace now would be embraced upon theſe, and perhaps upon harder terms, without much mutiny or repining. This being ſo, our chief remaining fear is, leſt what hath been done againſt my lord of Glamorgan ſhould ſo far incenſe the Iriſh as to drive them to ſudden extremes, things here on his majeſty's part being in ſo ill a condition to enter again upon a war: unto this danger the beſt preventatives we could think of are applied; this incloſed letter written to my lord of Muſkerry by my lord-lieutenant, apt perſons employed to Kilkenny to acquaint them with the reaſons and neceſſities of this proceeding, and laſtly the articles of peace ſent unto them with my lord-lieutenant's aſſent, in the very terms propoſed and acquieſced in by themſelves in the laſt reſults of this long treaty."

This letter, containing the narrative of the lord Digby's proceeding againſt Glamorgan, with ſeveral letters from the earl of Glamorgan, in particular one to the King, dated the twenty-third of February, 1645-6, fell into the parliament's hands by the accident of one of the King's ſhips coming into Padſtow in Cornwall, on a ſuppoſition they ſhould be well received, when, on the contrary, the people of the town, with the aſſiſtance of ſome of the parliament's dragoons, boarded her, and put moſt of the men to the ſword. The packet of letters was flung overboard, but being found floating on the waters, was carried to general Fairfax; and when it was ſhewn to the people of the country, who were ſummoned for the purpoſe on Bodmyn-Downs, it made ſo great an impreſſion on them, that the greater number expreſſed much willingneſs to aſſiſt in the blocking up the paſſages and ways, to prevent the royal cavalry from breaking through. Three letters of conſequence, one of which was to the prince and another to Sir Edward Hyde, which the captain, an Iriſh Papiſt, confeſſed he was charged to deliver, and had from the hands of the earl of Glamorgan, were loſt. Thoſe which came to the hands of the parliament were publiſhed, under the title of "The Earl of Glamorgan's Negociations and Colorable Commitment in Ireland demonſtrated; or, the Iriſh Plot for bringing in Ten Thouſand Men and Arms into England, where Three Hundred are to be for Prince Charles's Life-Guard, &c." *Birch*, p. 98, *& ſeq.*

nor the treaty of peace, could go on during his con- Ann. 1646.
finement, he was admitted to bail *.

* The King, in a declaration to the parliament, ſolemnly proteſted, That the commiſſion he had given to the earl of Glamorgan was to the purpoſe only of raiſing forces in the kingdom of England for his ſervice; that he had no commiſſion to treat of any other matters, without the privity and directions of the lord-lieutenant, much leſs to capitulate any thing concerning religion, or any property belonging either to church or laity: It clearly appeared, he ſaid, by the lord-lieutenant's proceedings with the earl, that he had no notice of what he had treated, or pretended to have capitulated with the Iriſh, until by accident it came to his knowledge. His majeſty farther proteſted, That, until ſuch time as he had advertiſement that the perſon of the ſaid earl of Glamorgan was arreſted and reſtrained, he never heard or had any notice that the ſaid earl had entered into any kind of treaty or capitulation with thoſe Iriſh commiſſioners, much leſs that he had concluded or ſigned thoſe articles ſo deſtructive both to church and ſtate, and ſo repugnant to his majeſty's public profeſſions and known reſolutions. "And, for the farther vindication of his majeſty's honor and intereſt herein, ſays the declaration, he doth declare, That he is ſo far from conſidering any thing contained in thoſe papers and writings framed by the ſaid earl, and thoſe commiſſioners with whom he treated, as he doth abſolutely diſavow him therein; and hath given commandment to the lord-lieutenant and the council there to proceed againſt the ſaid earl as one who, either out of falſeneſs, preſumption, or folly, hath ſo hazarded the blemiſhing his majeſty's reputation with his good ſubjects, and ſo impertinently framed thoſe articles of his own

Ann. 1646. Popery in Ireland was at this time too proſperous not to command the attention of the court of Rome.

own head, without the conſent, privity, or directions of his majeſty or the ſaid lieutenant, or any of his majeſty's council there. But true it is, that, for the neceſſary preſervation of his majeſty's Proteſtant ſubjects in Ireland, whoſe caſe was daily repreſented to him to be ſo deſperate, he had given leave to the lord-lieutenant to treat and conclude ſuch a peace there as might be for the ſafety of that crown, the preſervation of the Proteſtant religion, and no way derogatory to his own honor and public profeſſions."—The King, in a letter to the lord-lieutenant and council of Ireland, recollected, That it was poſſible he might have thought fit to have given unto the earl of Glamorgan ſuch a credential as might give him credit with the Roman-Catholics, in caſe the lieutenant ſhould find occaſion to make uſe of him, either as a farther aſſurance unto them of what he ſhould privately promiſe, or in caſe he ſhould judge it neceſſary to manage thoſe matters for their greater confidence apart by the earl of Glamorgan, of whom, in regard to their religion and intereſts, the Papiſts might be leſs jealous. "This is all, writes the King, and the very bottom of what we might have poſſibly intruſted to the ſaid earl of Glamorgan in this affair, which, as things then ſtood, might have been very uſeful to our ſervice in accelerating the peace, and whereof there was ſo much need, as well for the preſervation of our Proteſtant ſubjects there, as for haſtening thoſe neceſſary aids which we were to expect from thence, had we had the luck to employ a wiſer man. But the truth is, being very confident of his affections and obedience, we had not much regard to his abilities, ſince he was bound up by our poſitive commands from doing any thing but what you ſhould particularly and preciſely direct him to, both in the matter and manner of his negociation."

The confederate Papiſts were ſtruck with aſtoniſhment and conſternation when they were informed of the King's meſſage, diſowning the earl of Glamorgan's treaty; but this nobleman found means to re-encourage them by an aſſurance, that part of the King's inſtructions were, That if by any unfortunate accident he ſhould be involved in councils in appearance contrary to the powers given to the earl of Glamorgan, the earl ſhould make no other account of them, but by putting himſelf in a condition to help his majeſty, and ſet him free.

The

John Baptiſta Rinnucini, archbiſhop of Fermo, furniſhed with inſtructions to reduce the Iriſh, if not to Ann. 1646.

The King, in the letter which he had written to the lord-lieutenant and council of Ireland, had ordered, That the charge againſt the earl of Glamorgan ſhould be diligently and thoroughly proſecuted; yet, in a private letter to the lieutenant by the ſame diſpatch, he told him, That though he had too juſt cauſe, for the clearing his honor, to command as he had done the proſecuting Glamorgan in a legal way, yet he would have him ſuſpend the execution of any ſentence againſt the earl until he (the King) was informed fully of all the proceedings. Three days after the date of this diſpatch, a letter of the oſtenſible kind, which was to paſs through the hands of the marquis of Ormond and the lord Digby, was written by the King to the earl. In this letter are the following expreſſions: "I have commanded as much favor to be ſhewn you as may poſſibly ſtand with my ſervice or ſafety; and if you will yet truſt my advice, which I have commanded Digby to give you freely, I will bring you ſo off that you may be ſtill uſeful to me, and I ſhall be able to recompence you for your affection; if not, I cannot tell what to ſay: but I will not doubt your compliance in this, ſince it ſo highly concerns the good of all my crowns, my own particular, and to make me ſtill have means to ſhew myſelf your moſt aſſured friend." In a letter which the King ſent to the earl about the time of his enlargement, by a truſty Papiſt, Sir John Winter, he writes, "I am confident that this honeſt bearer will give you good ſatisfaction why I have not in all things done as you deſired; the want of confidence in you being ſo far from being the cauſe thereof, that I am every day more and more confirmed in the truſt that I have of you: for believe me, it is not in the power of any to make you ſuffer in my opinion by ill offices. But of this and divers other things I have given Sir John Winter ſo full inſtructions, that I will ſay no more, but that I am your aſſured conſtant friend." In two letters, the one dated the fifth and the other the ſixth of April 1646, the expreſſions are as follow: "Glamorgan, I have no time, nor do you expect that I ſhall make unneceſſary repetitions to you; wherefore, referring you to Digby for buſineſs, this is only to give you aſſurance of my conſtant friendſhip to you, which, conſidering the general defection of common honeſty, is in a ſort requiſite: howbeit, I know you cannot but be confident of my making good all inſtructions and

Ann. 1646. be tributary as they had heretofore been, at leaſt to be ſubject in ſpiritual matters to the papal power,

promiſes to you and the nuncio. Your moſt aſſured conſtant friend. ——Herbert, as I doubt not but you have too much courage to be diſmayed or diſcouraged at the uſage you have had, ſo I aſſure you that my eſtimation of you is nothing diminiſhed by it, but rather begets in me a deſire of revenge and reparation to us both: but in this I hold myſelf equally intereſted with you; wherefore, not doubting of your accuſtomed care and induſtry in my ſervice, I aſſure you of the continuance of my favor and protection to you; and that in deeds more than in words I will ſhew myſelf to be your moſt aſſured conſtant friend." When the King was at Newcaſtle, in the hands of the Scots, he found means to ſend the following diſpatch, dated July 20, 1646, to his friend Glamorgan: "Glamorgan, I am not ſo ſtrictly guarded but that, if you ſend to me a prudent and ſecret perſon, I can receive a letter, and you may ſignify to me your mind, I having always loved your perſon and converſation, which I ardently wiſh for at preſent more than ever, if it could be had without prejudice to you, whoſe ſafety is as dear to me as my own. If you can raiſe a large ſum of money by pawning my kingdoms for that purpoſe, I am content you ſhould do it; and if I recover them, I will fully repay that money: and tell the nuncio, that if once I can come into his and your hands, which ought extremely to be wiſhed for by you both, as well for the ſake of England as Ireland, ſince all the reſt as I ſee deſpiſe me, I will do it: and if I do not ſay this from my heart, or if in any future time I fail you in this, may God never reſtore me to my kingdoms in this world, nor give me eternal happineſs in the next; to which I hope this tribulation will conduct me at laſt, after I have ſatisfied my obligations to my friends, to none of whom I am ſo much obliged as to yourſelf, whoſe merits towards me exceed all expreſſions which can be uſed by your conſtant friend."

After the forgeries ſo deſtructive to the King's reputation which have been charged by himſelf and friends on the earl of Glamorgan, after the King's proteſtations to the Engliſh parliament, and his profeſſions to the ſtate of Ireland, theſe excuſes for an undeſerved treatment, and teſtimonies of continued friendſhip and confidence, are ſuch undeniable proofs of a ſhameful want of integrity in his character, that we muſt avow our ſurprize to find ingenious writers ſacrificing their

was ſent in the character of Pope's nuncio to aſſiſt Ann. 1646. the councils of the confederates. He arrived in Ire-

their own reputation to the vain attempt of removing clear conviction from the minds of men.

It is remarkable that though the King, in the above-mentioned declaration, terms his commiſſioner Earl of Glamorgan, yet Nicholas (his ſecretary) writes word to the lord-lieutenant, That the King had commanded him to advertiſe his lordſhip, that the patent for making the ſaid lord Herbert of Ragland earl of Glamorgan was not paſſed the great-ſeal: "So, adds the ſecretary, he is no peer of this kingdom, notwithſtanding he ſtiles himſelf and hath treated with the rebels in Ireland by the name of earl of Glamorgan, which is as vainly taken upon him as his pretended warrant, if any ſuch be, was ſurreptitiouſly gotten; and I am ſure that honor cannot be conferred upon him under the ſignet as firmly as under the great-ſeal to all intents and purpoſes, as his lordſhip's pretended warrant and power are alleged to be, though there be no ſignet to it." The King's ſervant, Endymion Porter, put the great-ſeal to the patent creating the lord Herbert earl of Glamorgan; and in the patent creating the ſaid earl duke of Somerſet, the great-ſeal was privately put by the King himſelf, which gave an opportunity to the ſecretaries of ſtate to argue againſt the genuineneſs of all the commiſſions and patents, as being iſſued without their counterſigning and intervention. Dr. Birch obſerves, That, excepting the caſe of his majeſty's diſowning the earl of Glamorgan's treaty with the Iriſh, upon the inconvenient publication of that treaty by an unforeſeen accident, it does not appear that he was ever cenſured or complained of by the court for abuſing his majeſty's authority; that, on the contrary, after he had left Ireland and went to Paris in April 1648, in order to procure the poſt of lord-lieutenant of Ireland from the queen, he was well received there by prince Rupert, the marquis of Ormond, and lord Digby, as well as by her majeſty; to whom his lordſhip having delivered the nuncio's letter, ſhe publicly thanked him for the great pains and expences which he had been at for the King's and her ſervice: "And it is very obſervable, ſays the ſame writer, that the lord Digby himſelf, who had charged the earl in ſo vehement a manner on the ſuſpicion of high-treaſon on the twenty-ſixth of September 1645, in a letter to the marquis of Ormond, dated from Waterford, April 7, 1646, a little above three months after, ſpeaks of

Ann. 1646. land immediately after the concluſion of the private treaty between the King and the rebels; and, in his firſt audience of the ſupreme council, was complimented with an aſſurance that the confederates would take no ſtep in religious matters without his advice and concurrence *.

Rinnucini had, to an exceſs, every ſpecies of vice and weakneſs which more particularly diſgrace the prieſthood: he was bigotted, vain, and ſuperſtitious, fiery in his temper, boundleſs in his ambition, and tranſported with all the diabolical paſſions which proceed from an high degree of ſpiritual pride. He had predicted, it ſeems, that he was deſtined by Providence to be the inſtrument of the converſion of the

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him in a very different ſtile; viz. "Here at Waterford I have met with my lord of Glamorgan, whom I find, as he has reaſon, a very ſad man, and withal highly incenſed by ſome about him againſt me; but for this latter part, I believe his good nature and the reaſons which I have given him have well ſettled him in a good meaſure of kindneſs, which my lord of Muſkerry and the reſt did think very neceſſary to the carrying on of buſineſs unanimouſly." *Warner's Hiſtory of the Iriſh Rebellion*, p. 358, *& ſeq.* 373, *& ſeq.* 388. *King Charles's Secret Negociations with the Earl of Glamorgan, by Dr. Birch*, p. 118, *& ſeq.* 338. *State Papers by Carte.*

* The nuncio, in his way to Ireland, had received a letter from the earl of Glamorgan, which aſſured him, That, in his whole negociation between the King and the Iriſh, he (the earl) was reſolved to proceed in concert with the nuncio, whoſe arrival he expected with the utmoſt impatience. The ſupreme council of the Iriſh rebels likewiſe ſent him a paper, in which they ſtrongly invited him to Ireland, and repreſented the terms which they promiſed him to inſiſt on for the eſtabliſhment of religion. *Birch*, p. 55, *& ſeq.*

inha-

inhabitants of Great Britain to the Popiſh faith *; and it was this prediction, together with an opinion of his abilities, which induced the Roman pontiff to employ him on this important occaſion. The ſupreme council ſtrongly repreſented to him, That the King, before he was ſupported by a Popiſh army, could not, conſiſtently with his own ſafety or the ſafety of the confederate Papiſts, avow and publiſh in their full extent the conceſſions he had granted; that on ſuch a ſtep, it was to be apprehended that all the Proteſtants, or at leaſt the principal part of them, would abandon him, go over to the parliament, and, having made peace at home, would eaſily deſtroy both his majeſty and the Papiſts.—The eſtabliſhing Popery in Ireland was too confined an object for Rinnucini's zeal: neither, therefore, the critical ſituation of affairs, the arguments of the confederates, the King's infamous flattery, who addreſſed one letter to the Pope and another to the nuncio †, nor the in-

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King Charles's Negociations with the Earl of Glamorgan, by Birch.

* In a book he had publiſhed of the wonderful converſion of father Archange Leſly, a Capuchin friar, and his miſſionary functions in England and Scotland. *Carte's Life of Ormond*, vol. I. p. 559.

† The King's Letter to the Nuncio.

"Sir,

"Hearing of your reſolution for Ireland, we do not doubt but things will go well, and that the good intentions began by means of the laſt Pope will be accompliſhed by the preſent, by your means, in our kingdoms of Ireland and England, you joining with our dear couſin the earl of Glamorgan, with whom whatſoever you ſhall reſolve we ſhall think ourſelves obliged to perform it at his return. His great merits oblige us to this confidence, which we repoſe in him above all, having known him above twenty years, during which time he hath always ſignally advanced himſelf in our good eſteem, and by all kind of means carried the praiſe above all our ſubjects. This

being

Ann. 1646. treaties of his commiſſioner, could prevail on him to adopt the policy of the confederates. He replied to the repreſentation of the general aſſembly, that the inſtructions he had received from the Pope were, That he ſhould take care that the Iriſh ſhould maintain an inviolable fidelity, in the firſt place to God and religion, and in the ſecond to their King *: That

being joined to the conſideration of his blood, you may well judge of the paſſion which we have particularly for him, and that nothing ſhall be wanting on our part to perfect what he ſhall oblige himſelf to in our name, in conſideration of the favors received by your means: confide therefore in him; but in the mean while, according to the directions that we have given him how important it is that the affair ſhould be kept ſecret, there is no occaſion to perſuade you of, or recommend it to you, ſince you ſee that the neceſſity of the thing itſelf requires it. This is the firſt letter which we have ever wrote immediately to any miniſter of ſtate of the Pope, hoping that it will not be the laſt; but that, after the ſaid earl and you ſhall have concerted your meaſures, we ſhall openly ſhew ourſelves as we have aſſured him."

Dr. Birch obſerves, That by the King's advocates it is urged, as an improbability againſt his letter to the nuncio, that it is dated on the thirtieth of April 1645, after the earl of Glamorgan had left Oxford, and the King knew not probably where he was: "But it is much more probable, adds this writer, that the King did know where his lordſhip was; ſince there appears to have been a correſpondence between them after his lordſhip left Oxford; the earl's inſtructions to a perſon who ſubſcribed himſelf Edward Boſden, to be preſented to his majeſty, dated March 21, 1644-5, being found in his majeſty's cabinet taken at Naſeby." *Warner's Hiſtory of the Iriſh Rebellion*, p. 341. *King Charles's Secret Tranſactions with the Earl of Glamorgan, by Birch*, p. 333.

* After all the advances on the part of the King to the Roman pontiff, the nuncio uſing on this occaſion the expreſſion related in the text, That, next to God and religion, the Papiſts owed fidelity to the King, he was ſeverely reproved in a letter from Rome by cardinal Pamfilio, who wrote, That that ſee would never, by any poſitive act, approve the civil allegiance which Catholic ſubjects paid to an heretical prince.

as the political articles of peace to be made with the Ann. 1646.
lord-lieutenant were to be immediately publiſhed, and the religious ones concluded with the lord Herbert to be kept ſecret till they were ratified by the King, it would appear to foreigners, who knew nothing of that treaty, that this peace was made on account of private and temporal advantages, and not for the honor of religion; an incident which would occaſion great ſcandal among all Catholics, and great triumph to the heretics: Nor did it ſeem, he ſaid, a ſufficient anſwer to this, that the conceſſions with regard to religion would be publiſhed and made known to every body after they had been confirmed by the King, becauſe, in fact, beſides that the ſcandal would not be removed by this means, the whole affair depended on a future event: That with regard to the plea, that the publication of the religious artioles could not be made at preſent, becauſe the King's agents were apprehenſive leſt the publication might alienate the Proteſtants from his majeſty's ſervice, this ought to be an example to the ſupreme council, that they might not alienate the Pope and all Chriſtian

prince. On the nuncio's ſigning a proteſtation of the clergy, which declared that they would never conſent to a peace unleſs ſecure conditions were made according to the oath of aſſociation for religion, the King, and country, he was again reproved by Pamfilio, and told, That it had been the conſtant and uninterrupted practice of the ſee of Rome, never to allow her miniſters to make or conſent to public edicts of even Catholic ſubjects, for the defence of the crown and perſon of an heretical prince; and that ſuch a conduct would furniſh pretence to her adverſaries to reflect upon her, as deviating from thoſe maxims and rules to which ſhe had ever yet adhered. *Carte's Life of Ormond*, vol. I. p. 578.

princes

Ann. 1646. princes from themſelves, and ſhould determine them to publiſh the religious articles with the others, or at leaſt to ſuppreſs both till they had been confirmed by the King *: He inſiſted upon the neceſſity of having a Popiſh lord-lieutenant, and argued againſt ſome of the articles of the peace; in particular, that there was no mention made of Popiſh biſhops, nor the erecting of Popiſh univerſities, and that the government was to be changed, and the ſupreme council abrogated, as ſoon as the peace ſhould be concluded. —Notwithſtanding the haſty compliment which had been made him of an implicit obedience to his opinions, the nuncio found the Popiſh laity very averſe to renouncing the advantages of the royal conceſſions, and thus to hazard, by a continued diviſion of their forces, the ruin of themſelves and the King. After he had aſſembled to his own houſe the Popiſh biſhops, and ſecured them to his party, he attempted the general aſſembly, which had been called to determine the diſpute in queſtion, and very warmly exhorted them to give up the peace they had concluded with the lord Herbert, and to adopt a treaty which comprehended the intereſts of the whole papiſtical body in Great Britain, which in a manner had been agreed on at Rome between the Pope and Sir Kenelm Digby †,

* Scarampi, the Pope's agent in Ireland, had, before the arrival of the nuncio, delivered to the confederates a paper againſt their ſcheme of making peace publicly with the marquis, and privately with the earl. *King Charles's Tranſactions with the Earl of Glamorgan, by Dr. Birch*, p. 64.

† The ſon of Sir Everard Digby, who had been executed for the gunpowder plot.

and

and which was ſo well approved by the Roman pon- Ann. 1646.
tiff, that on the grounds of it he had offered to advance immediately one hundred thouſand crowns, and to continue the ſame donation yearly ſo long as the war laſted *. The copy of this treaty had been ſent to the nuncio ſoon after his arrival in Ireland, with power to alter or add to its clauſes, as he ſhould think fit †.

* The Pope at firſt inſiſted on the King's abjuring proteſtantiſm, and returning into the boſom of the Roman church; but relented from this article on a repreſentation, it is to be ſuppoſed, of the inevitable ruin which ſuch an act, if by accident it became public, would bring on the King.

† Articles to be ſent to the Lord Rinnucini to be put in execution in Ireland, with power to add to and take from them, according to the preſent ſtate of affairs, and as need ſhall be, which will be better underſtood there upon the place.

That the King of Great Britain do effectually grant in the kingdom of Ireland the free and public uſe of the Catholic religion, allowing the eccleſiaſtical hierarchy to be reſtored to the Catholics, with all the churches and revenues, according to the cuſtom of the ſaid religion; and as to the monaſteries pretended to have been releaſed to the poſſeſſors of cardinal Poole, legate in the time of queen Mary, that it be debated in a free parliament in Ireland what may or can be done in that point; as likewiſe touching the three biſhoprics, that of Dublin, and the other two which are in the hands of the heretic Proteſtants, under the obedience of the King: That he annul and repeal all the penal laws, and others whatſoever, made againſt the ſaid Catholics on the account of their religion, from the beginning of the defection of Henry the Eighth to this day: That for the better eſtabliſhing the free and public exerciſe of the Catholic religion, and to add more force and ſecurity to the repeal of the ſaid laws, the King do call a parliament in Ireland independent on that of England: That the government of the kingdom of Ireland, and the principal offices there, be put into the hands of the Catholics; and that Catholics be made capable and promoted to offices, honors, and degrees in that kingdom, in like manner as the Proteſtants have been till this time: That the

Ann. 1646. AFTER the buſineſs of peace had been debated four ſeveral days without any concluſion on the matter,

King do put into the hands of the Iriſh Catholics, or at leaſt ſuch Engliſh Catholics as the ſupreme council of Ireland ſhall approve of, the town of Dublin and the other two which are held in his name in Ireland: That he join his forces with thoſe of the Iriſh to drive the Scots and parliamentarians out of Ireland: This being performed by the King, and what elſe may in Ireland be added or altered in theſe articles by the lord Rinnucini, his holineſs is willing to pay the queen of Great Britain an hundred thouſand crowns of Roman money: That the ſaid King do repeal all the laws made againſt the Catholics of England, and particularly the two oaths of ſupremacy and allegiance, ſo as they may enjoy their revenues, honors, liberties, and privileges, as other the gentlemen of that kingdom do; ſo that their being Catholics ſhall be no manner of prejudice to them; and that in the firſt parliament, or other ſettlement of the affairs of England, his majeſty do approve and confirm the aforeſaid repeal; and in the mean time that they do actually enjoy all manner of equality with the Proteſtants: That an agreement be made between the King and the ſupreme council of Ireland to tranſport into England a body of an army of twelve thouſand foot under Iriſh commanders and officers, to whom ſhall be joined three thouſand, or at leaſt two thouſand five hundred Engliſh horſe under Catholic commanders, upon ſuch conditions, to be adjuſted between them, concerning the government of the army, the ports of their landing, and places of ſecurity, as ſhall be adjudged juſt and convenient: When the ſaid forces ſhall be entered into England, and joined together in any place, his holineſs will pay the firſt year an hundred thouſand crowns of Roman money by a monthly proportion, the ſame to be continued the ſecond and third year, as his forces ſhall ſtand, and according to the advantage that ſhall be made by the ſaid army: And laſtly, becauſe the firſt ſix articles may ſpeedily be put in execution, his holineſs will expect the performance of them in ſix months from the date of theſe preſents; and as to the eighth and ninth, that require perhaps longer time, he will ſtay four months more beſides the ſix, beyond which he will not be tied to this preſent promiſe: That the King repeal all penal and even pecuniary laws againſt the Catholics, made ſince the reign of Henry the Seventh: That he exempt all Catholics from the oaths of ſupremacy and allegiance;

the lord Herbert, to conciliate parties and to haſten Ann. 1646.
the impatiently-expected ſupplies, ſigned an inſtru-

giance; but inſtead of this latter, if the King ſhall think proper, a new oath be made, ſuch as is uſually taken by the Catholics of other countries: That the King command by his royal authority a Catholic army to be raiſed from among his ſubjects of Ireland, and to be tranſported into England in order to defend the royal cauſe: That the ſaid army be ſubject to the direction and command of a council of war, which ſhall conſiſt of three Engliſh and the ſame number of Iriſh Catholics, together with the general and lieutenant-general of that army: That the general ſhall be ſubject to the direction and power of this council, and the three Iriſh commiſſioners be named by the Catholic confederates in Ireland, with the conſent of the nuncio and the three Engliſh commiſſioners, named by thoſe Engliſh Catholics with whom the nuncio in France ſhall agree upon that point; but if it ſhall happen at any time that any one of the three Engliſh commiſſioners who ſhall be nominated be diſabled by death or any other accident, it ſhall be in the power of the ſaid Engliſh Catholics, with the advice of the ſaid nuncio in France, to appoint another in his room: That the ſaid army have no generals, nor any other perſons in any degree of command, either horſe or foot, but who are Catholics: That all the Engliſh Catholics who are diſperſed among the King's troops, or live elſewhere, be furniſhed with the King's authority to meet together in one body, and join the Iriſh army with a body of horſe proportionable to the foot, under the conduct of a Catholic general, to be choſen by thoſe Catholics with whom the nuncio in France ſhall conſult upon that affair: That the money which his holineſs and the apoſtolical ſee ſhall contribute to the King's neceſſities ſhall be laid out in raiſing troops, and upon the ſaid army, both horſe and foot; and that for that purpoſe, if his holineſs ſhall think proper, it ſhall be delivered into the hands of thoſe Engliſh and Iriſh Catholics whom the above-mentioned Catholics ſhall appoint commiſſioners of the army, in order to be laid out by them, with the approbation of the nuncios in France and Ireland: That the King deliver up into the hands of thoſe Catholics who ſhall be nominated by the Pope two or three fortified places, to be kept by them as ſecurities of the King's promiſe, which places ſhall be the ſtrongeſt of thoſe cities and forts which the King is ſtill maſter of in Ireland, if the

Ann. 1646. ment whereby he ratified the articles between the Pope and the queen, and undertook that they ſhould be confirmed by the King. This put an end to the debates: a convention was ſigned between the nuncio and the deputies of the general aſſembly, whereby it was ſtipulated to continue the ceſſation three months, in expectation of the original of the Pope's treaty, which was to be ratified between the nuncio and the lord Herbert; but that this was to be no obſtruction to the confederates treating with the lord-lieutenant about political matters, provided they came to no poſitive concluſion or publication of articles, nor proceeded to any alteration in the civil government, nor did any thing to the prejudice of the tranſaction between the nuncio and the lord Herbert. When matters were thus ſettled between the nuncio and the confederates, commiſſioners were appointed to conclude with the marquis of Ormond, who, to

above-mentioned Engliſh commiſſioners in the Iriſh army ſhall think them ſufficiently ſtrong and well fortified; but if the King ſhall not have in his poſſeſſion ſuch and ſo many cities and forts, he ſhall then deliver to them one, two, or three of the principal cities and forts, which the Iriſh Catholics ſhall make themſelves maſters of in Ireland, and which the ſaid Engliſh commiſſioners ſhall judge to be ſufficiently ſtrong: That the King himſelf ſign theſe articles with his own hand, or ſend over powers to the queen to ſign them in his name; in which ſubſcription the King ſhall promiſe to confirm and ratify within three months the two firſt articles under his great-ſeal, in order that they may be delivered to his holineſs and his miniſters; and that as ſoon as he ſhall have it in his power he will likewiſe procure thoſe firſt articles to be ratified and confirmed by the parliament of the whole kingdom; and that till this ſhall be completely executed, the above-mentioned cities and forts ſhall be kept as a pledge and ſecurity by the Catholics appointed as above. *Birch*, p. 143, *& ſeq.*

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his eternal infamy, though well acquainted with the circumſtance of a private negociation, on the twenty-eighth of March 1646, put the finiſhing ſtroke to the ſham treaty which had been ſo long in agitation, and by which the rebels engaged themſelves to tranſport, between the firſt of April and the firſt of May, ten thouſand foot into England or Wales, well armed and provided *. Ann. 1646. Peace concluded with the Iriſh rebels.

* The following are the conditions on which the political peace, as it is termed by the Papiſts, was concluded: That the profeſſors of the Roman-Catholic religion in the kingdom of Ireland, or any other of them, be not bound or obliged to take the oath of ſupremacy expreſſed in the ſecond of queen Elizabeth, commonly called the oath of ſupremacy: That the parliament may be held on or before the laſt day of November next, and that theſe articles agreed on may be tranſmitted into England according to the uſual form, and paſſed, provided that nothing may be paſſed to the prejudice of either Proteſtant or Catholic party other than ſuch things as upon this treaty ſhall be concluded: That all acts made by both or either houſes of parliament to the blemiſh or prejudice of his majeſty's Roman-Catholic ſubjects, ſince the ſeventh of Auguſt 1641, ſhall be vacated by acts of parliament: That no actions of law ſhall be removed before the ſaid parliament, in caſe it be ſooner called than the laſt of November, and that all impediments which may hinder the Roman-Catholics to ſit in the next parliament ſhall be removed before the parliament ſit: That all debts do ſtand in ſtate as they were in the beginning of theſe troubles: That the plantations in Connaught, Kilkenny, Clare, Thomond, Tipperary, Limerick, and Wicklow, may be revoked by act of parliament, and their eſtates ſecured in the next ſeſſions: That the natives may erect one or more inns of court in or near the city of Dublin, they taking an oath; as alſo one or more univerſities, to be governed as his majeſty ſhall appoint; as alſo to have ſchools for education of youth in the kingdom: That places of command of forts, caſtles, garriſons, towns, and other places of importance, and all places of honor, profit, and truſt, ſhall be conferred with equal indifferency upon the Catholics as his majeſty's other ſubjects, according to their reſpective merits and abilities: That twelve thouſand pounds

Ann. 1646. THIS peace between Charles and the Iriſh Papiſts, purchaſed with the proſtitution of character and the

pounds ſterling be paid the King yearly for the Court of Wards: That no peer may be capable of more proxies than two; and that no lords vote in parliament, unleſs in five years a lord baron purchaſe in Ireland two hundred pounds per annum, a viſcount four hundred pounds, and an earl ſix hundred pounds, or loſe their votes till they purchaſe: That the independency of the parliament of Ireland on the kingdom of England ſhall be decided by declaration of both houſes, agreeable to the laws of the kingdom of Ireland: That the council-table ſhall contain itſelf within its bounds in handling matters of ſtate, as patents of plantations, offices, &c. and not meddle with matter betwixt party and party: That all acts concerning ſtaple or native commodities of this kingdom ſhall be repealed, except wool and woolfels; and that the commiſſioners, the lord Mountgarret, and others named in the twenty-ſixth article, ſhall be authoriſed under the great-ſeal, to moderate and aſcertain the rates of merchandize to be exported and imported: That no governor be longer reſident than his majeſty ſhall find for the good of his people, and that they make no purchaſe, other than by leaſe, for the proviſion of their houſes: That an act of oblivion may be paſſed, without extending to any who will not accept this peace: That no governor, or any other prime-miniſter of ſtate in Ireland, ſhall be farmers of his majeſty's cuſtoms: That a repeal of all monopolies be paſſed: That commiſſioners be appointed to regulate the court of Caſtle-Chamber: That acts prohibiting plowing by horſe-tails and burning of oats in the ſtraw be repealed: That courſe be taken againſt the diſobedience of the ceſſation and peace: That ſuch graces as were promiſed by his majeſty in the fourth year of his reign, and ſued for by a committee of both houſes of parliament, and not expreſſed in theſe articles, may in the next enſuing parliament be deſired of his majeſty: That maritime cauſes be determined here without appeal into England: That the increaſe of rents lately raiſed upon the commiſſion of defective titles be repealed: That all intereſts of money due by way of debt, mortgage, or otherwiſe, and not yet ſatisfied, ſince the twenty-third of October 1641, to pay no more than five pounds per cent: That the commiſſioners have power to determine all caſes within their quarters until the perfection of theſe articles by parliament, and raiſe ten thouſand men

violation of every principle of honor and morality, had been ſo long protracted by the intrigues of the nuncio and the cautious conduct of the confederates, that, on its concluſion, the unfortunate guilty monarch had not the face of an army left in England; a circumſtance which afforded the rebels an excuſe for the non-performance of their part of the ſtipulated conditions. They pleaded, That they were uncertain on what part of the Engliſh coaſt they were to land; that they were aſſured of no horſe to ſupport them, and ignorant of the ſituation in which the King's affairs then were: Beſides, it was of greater conſequence to his majeſty's ſervice, they ſaid, to clear Ann. 1646.

men for his majeſty: That the lord Mountgarret, Muſkerry, Sir Daniel O'Bryan, Sir Lucas Dillon, Nicholas Plunket, Richard Bealing, Philip Mac-Hugh O'Relie, Terlogh O'Neile, Thomas Flemming, Patrick Darcy, Gerald Fennel, and Jeffrey Brown, or any five of them, be for the preſent commiſſioners of the peace, Oyer and Terminer, and goal-delivery, in the preſent quarters of the confederate Catholics, with power of juſtice of peace, Oyer and Terminer, and goal-delivery, as in former times of peace they have uſually had: That none of the Roman-Catholic party, before there be a ſettlement by parliament, ſue, implead, or arreſt, or be ſued, impleaded, or arreſted in any court other than before the commiſſioners, or in the ſeveral corporations or other judicatures within their quarters: That the confederate Catholics continue in their poſſeſſions until ſettlement by parliament, and to be commanded by his majeſty's chief governor, with the advice and conſent of the commiſſioners, or any five of them: That all cuſtoms from the perfection of theſe articles are to be paid into his majeſty's receipt, and to his uſe, as alſo all rent due at Eaſter next, till full ſettlement of parliament: That the commiſſioners of Oyer and Terminer and goal-delivery ſhall have power to hear and determine all offences committed or done, or to be committed or done, from the fifteenth day of September 1643, until the firſt day of the next parliament. *Borlaſe*, p. 157, *&c. ſeq.*

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Ann. 1646. one of his kingdoms, than to attempt to aſſiſt him in England under ſuch difficulties and dangers. Thus the magnificent promiſes which the confederates had made, of ſupporting the King's power over all the empire of Great Britain, were reduced to the ſimple preſervation of Ireland only; an undertaking which, in the execution, proved as impracticable as had turned out every other of their pernicious yet abortive ſchemes.

As a previous ſtep to an union of forces, a meaſure dictated by the obvious neceſſity of affairs, the ſupreme council of the rebels was prevailed on to publiſh ſingly the articles of the political treaty they had concluded with the marquis of Ormond. Rinnucini, the Pope's nuncio, had declared, That if the political peace was publiſhed without the eccleſiaſtical, or the eccleſiaſtical without the free and public exerciſe of religion, and without waiting for the original treaty from Rome, he would not conſent to it; and this public act of the ſupreme council, contrary to the deference with which he had been at firſt idly complimented, and in oppoſition to his avowed opinion, ſo enraged the proud hot-headed prelate, that, not meeting with a direct ſubmiſſion to a proteſtation he had ſent to the ſupreme council, ſigned by himſelf, with two titular archbiſhops and ſix biſhops, he prepared to chaſtiſe the ſtubbornneſs of the laity with all the influence of eccleſiaſtical authority. In an aſſembly of the clergy, whom the nuncio, under the pretence of a viſitation, had called together at Waterford, all perſons who adhered to the peace were pro-

declared guilty of perjury in violation of their oath Ann. 1646.
of aſſociation; excommunication was pronounced againſt the commiſſioners, and all who had been inſtrumental in treating of the peace; againſt all who ſhould either receive or pay any money purſuant to the orders of the Kilkenny council; all churches were interdicted, and divine ſervice forbad to be celebrated in all cities and towns which admitted the peace; all the clergy, ſecular and regular, were ſuſpended from the exerciſe of their function, who ſpoke in favor of it, with all confeſſors who ſhould offer to abſolve any of its adherents: and, for the better union of the party, a new oath of aſſociation was drawn up, whereby the confederates ſwore, That they would not adhere to any peace but to ſuch as ſhould be honorable in the view of the world, ſecure to their conſcience according to the oath of aſſociation, and ſo approved by the congregation of the clergy of Ireland.—This exertion of eccleſiaſtical authority did not fail of its deſigned effect: vehement exclamations were uttered all over the kingdom againſt a peace, which, it was ſaid, gave up the point of religion. The herald ſent by the marquis of Ormond was not ſuffered to proclaim it either at Waterford or Clonmel; and though at Limerick he had gained the aſſent of the mayor and the majority of aldermen, yet a mob which had been raiſed by the prieſts obliged him to deſiſt, and had near killed him in the attempting to diſcharge his office. The counſellors of Kilkenny, either awed by ſuperſtitious reverence, or by the general obedience which the decrees of the clergy had met with, did not dare either to exhibit in form or

Ann. 1646. publiſh an appeal they had drawn againſt the cenſures of the church: inſtead of attempting to ſubdue the oppoſition of the clergy, they ſent deputies to Waterford to court them to an accommodation, and received in return a ſet of extravagant propoſitions; among which was demanded, That Owen O'Neil and Preſton, the friends of the new confederacy, ſhould for their greater ſecurity be made, the one general of the horſe, and the other major-general of the field.

THE jealouſy which had, from the beginning of the confederacy, ſubſiſted between the old Iriſh and the Papiſts of Engliſh deſcent, had occaſioned the latter to omit making in the lately-concluded peace any proviſion for the natives, on the very article on which they had begun their inſurrection; viz. their grievances by the new plantation of Ulſter. Their commander, Owen O'Neil, had been likewiſe neglected in the liſt of generals to be made on the peace. He had lately gained an advantage over Monroe; and to him the nuncio had recourſe to coerce the authority of the clergy.—On the thirty-firſt of Auguſt, a month after the concluſion of the peace, the marquis of Ormond arrived from Dublin at Kilkenny, to receive the ſubmiſſions of the rebels, and to conſult on an union of forces againſt the common enemy. He had ſent Daniel O'Neil *, nephew of the Ulſter general, with an offer to his uncle, That in caſe he would heartily contribute his aſſiſtance to the ſervice of the

* This Iriſh Papiſt, Daniel O'Neil, was of the King's bed-chamber, and a great favorite with his maſter and ſeveral of his court.

King

King and the ſupport of the peace, he (the mar- Ann. 1646.
quis of Ormond) would confirm by his authority all his commands, with every privilege which he at preſent enjoyed; that he would grant him a cuſtodium of all the lands of O'Neillan which ſhould be found to belong to any who did oppoſe the peace and his majeſty's authority; and to aſſure him of every other advantage which he could reaſonably pretend to. Large as were theſe overtures, they were rejected by Owen, who had entered into a cloſe engagement with the nuncio: and Ormond, inſtead of a general ſubmiſſion of the Iriſh to the authority deputed to him by the King (an advantage for which he had ſo infamouſly entered into the chicanery of the party) found himſelf in a very uneaſy and unſafe ſituation among them.—As he drew near Caſhel, in a progreſs which he had made, accompanied with the marquis of Clanrickard and the lord Digby, to attempt to conciliate the affections of the people, he received letters from the mayor of the city, informing him that the town was threatened with inſtant deſtruction if they gave him admittance, and that Owen O'Neil was marching that way with all his army. Whilſt Ormond was heſitating whether he ſhould return to Dublin, before he had finiſhed his intended negociations for the effectuating the peace, he was informed by the earl of Caſtlehaven, That there was a deſign laid by O'Neil and Preſton to intercept him; that both their armies were on their march to cut off his retreat; that he had not a moment's time to loſe; and would inevitably be loſt, unleſs he returned back, repaſſed the Barrow, got that river between him and

Ann. 1646. the enemy, and endeavored by long marches to reach Dublin before them. There was now no time to dally: Ormond was obliged to an immediate retreat; and luckily reached Dublin in ſafety, without other damage than the plundering his baggage at Kilkenny, and the loſs of reputation, in having thus publicly appeared the dupe to the deceitful conduct of the confederates.

THAT buſy politician the lord Digby was left by the marquis at Kilkenny, to renew the interrupted negociations with the rebels. To the clergy he made a propoſition of a firm and authentic, though private aſſurance of the repeal of the penal laws; and that the clergy ſhould not be put out, nor moleſted in their eccleſiaſtical poſſeſſions, provided the nuncio and three or four biſhops would give it under their hands, that they would reſt ſatisfied with the peace, and enjoin a faithful ſubmiſſion to it to all thoſe over whom they had power.—In vain did the King and his creatures expoſe their baſeneſs by repeated offers to the rebels, which were either neglected, rejected, or unfruitful of return: both the former private connivance of Ormond, and the preſent poſitive propoſal of Digby, were equally ineffectual. The nuncio was too much elevated with his ſucceſs to hearken to any terms but what he ſhould himſelf preſcribe. Owen O'Neil was now, after the taking of Roſcria, in which he had as uſual put man, woman, and child to the ſword, advanced within three miles of Kilkenny. The caſtle of Kilkenny, of which the lord Mountgarret was governor, ſurrendered to the new confederacy;

deracy; and the nuncio, who was met on the way Ann. 1646.
by general Preſton, with ſome troops of horſe, and by the Spaniſh agent, at the head of a body of the neighboring gentlemen, made on the eighteenth of September a public entry into the city.—The clergy now aſſumed the whole government to themſelves: after impriſoning the greater number of the members of the ſupreme council, with others who had appeared zealous for the peace, they appointed a new one with equal powers, of which the nuncio was to be preſident, and which conſiſted of four biſhops and eight laymen. The King's zealous friend the lord Herbert, who had entirely devoted himſelf to the nuncio, was made general of Munſter, in the room of the lord Muſkerry, with the promiſe of being appointed lord-lieutenant when the marquis of Ormond ſhould be driven out of Dublin *.

* "Among other patents and commiſſions ſigned by the King and brought by the earl of Glamorgan from England (writes the nuncio to cardinal Pamfilio, the Pope's nephew and chief counſellor) there is one appointing him lord-lieutenant of Ireland upon the expiration of the marquis of Ormond's term of holding that poſt, or in caſe the marquis ſhould, by any fault, deſerve to be removed from it. The way ſeems now open for us; ſince the marquis of Ormond is publicly negociating with the parliamentarians, and conſequently making a treaty with the King's enemies: Upon this occaſion the earl, being deſirous of advancing himſelf to the marquis's poſt, has begun to ſollicit the conſent of the kingdom, and believes that he has the intereſt of the two generals, and almoſt all the congregation of the clergy and the new council. I have thought it the more proper to promote this affair, ſince, when Dublin ſhall be taken, it will be immediately neceſſary for the kingdom to provide a lord-lieutenant; and it is a point of no ſmall importance, in the preſent ſituation of affairs, to begin with appointing to that poſt a Catholic ſo highly beloved by this kingdom and the King himſelf. Beſides, it is to be conſidered, that

Ann. 1646. It was on this enterprize, as the finiſhing ſtroke to their inteſtine broils, that the confederacy bent their whole deſigns. Ormond, unable to provide for a ſiege, had recourſe in his diſtreſs to the Engliſh parliament, who readily embracing the offer of extending, without a large expence of blood and treaſure, their authority in Ireland, ſent over five commiſſioners to treat with the lieutenant on the ſurrendering into their hands the ſword and garriſons. The report only that forces from the Engliſh parliament were arrived and admitted into Dublin ſo terrified Owen O'Neil, that, calling all his men to their poſts, he immediately decamped from Lucan, and retreated firſt into Meath, and from thence into the Queen's County: the new council and the nuncio retired with the ſame haſte to Kilkenny: whilſt Preſton, with his

that the King's inclination and pleaſure concur with this deſign; for though his majeſty has appointed the earl by his leſſer ſeal only, yet that is ſufficient for the Iriſh, ſince they have juſt reaſon to conſider that appointment legal and valid. Add to this, that as the confederates of Ireland have it in their view to tranſport the holy faith into England by their arms, no perſon appears to be more fit for the execution of ſuch a purpoſe than the earl, in whom two characters are united, thoſe of a faithful ſervant to the King and a perfect Catholic; and who the winter before was ready to carry over to the King, from that country, ten thouſand men for the ſame purpoſes. Some, and thoſe but a few, oppoſe this deſign, upon this ſingle conſideration, That the earl, being both an Engliſhman, and of a very mild temper, will not be favorable enough to Ireland, nor exert the firmneſs neceſſary in this caſe: but I believe no better choice can now poſſibly be made; and that the appointment of a Catholic lord-lieutenant, who is in ſo many reſpects attached to the apoſtolical ſee, and bound to it by oath and promiſes, which the earl has an hundred times repeated to me, is ſufficient to weigh down every other doubt." *Birch*, p. 253, *& ſeq.*

officers,

officers, on the marquis of Clanrickard undertaking Ann. 1646.
for a repeal of the penal laws, and the preſervation of the churches to the Popiſh poſſeſſors till the King's pleaſure, upon the full ſettlement of the kingdom, was known, entered into an engagement to obſerve the late peace, to be from thenceforth obedient to the King's authority, and to join with the marquis of Ormond againſt all his majeſty's enemies, and againſt ſuch as ſhould not upon the ſame terms ſubmit. The danger with which Ormond was threatened being thus unaccountably and unexpectedly diſperſed, he began to form other ſchemes than the delivering up Dublin into the power of the parliament: after keeping up for four days the farce of a treaty, he objected to the propoſitions which had been made by the parliament for the ſecurity of the Iriſh Proteſtants, with the ſecurity of himſelf, his family, and fortune, and prepoſterouſly told them, That as they did not bring his majeſty's orders he could not, conſiſtent with his duty, part with ſo great a truſt *.—Thus diſappointed, the commiſſioners re-embarked, and carried their ſupplies to Ulſter, where they were ill received by the Scots, and their forces refuſed entrance either into Carrickfergus or Belfaſt.

Ormond had ſoon reaſon to repent of his double-dealing: Preſton †, on whoſe aſſiſtance he had de-

* It appears by letters between the lieutenant and the lord Digby, that the treaty with the parliament was only commenced to get powder from their ſhips in the river, and to prevent being annoyed from them till foreign ſupplies could be procured. *Carte*, vol. III. *State Letters*, p. 515.

† The treaty between Ormond and the general Preſton was tranſacted by that Quixote politician Digby, who was very angry with the lieu-

Ann. 1646. pended, entered into new engagements with the nuncio, whoſe influence, in a general aſſembly he had called at Kilkenny, ſo highly prevailed, that the peace concluded with the lieutenant was utterly rejected, and the following articles inſiſted on: That Popery ſhould be eſtabliſhed all over Ireland, with the poſſeſſion of all churches, benefices, and dignities eccleſiaſtical: That the common law ſhould be repealed, ſo far as it gave the crown any eccleſiaſtical authority: That the clergy ſhould have power to erect univerſities and ſchools under their own regulations, to appoint proviſions to biſhoprics, dignities, and livings, as they had done ſince the beginning of the war, and to exerciſe their eccleſiaſtical juriſdiction in its full extent. A new oath of aſſociation, framed for the continuance of their union, was annexed to theſe

lieutenant for having delayed the concluſion for a few days, on the fear leſt the Proteſtants ſhould open the gates of Dublin to the parliament's commiſſioners, ſhould it be made public that one of the articles of the treaty was, That a conſiderable number of the confederate Catholics ſhould be drawn into all the chief garriſons under his majeſty's obedience. "It will be taken to be a ſtrange turn, writes Ormond, when ſuch as have ſtill been either open or implacable enemies, or, which is worſe, ſuch falſe friends, as, out of a ſolemnly-concluded and by them received peace, to have leapt into the openeſt and moſt violent act of hoſtility, and who have but newly (and, as it will be ſaid, when rather their power than their will failed them) quitted their deſign of taking this city by force, ſhall be received and fed by thoſe whom they can beſiege no longer, and whoſe throats within theſe eight days they would have cut; for it appears not that they bring either money or victual with them; and that for the reception of theſe men we have ſent away thoſe, who, it will be ſaid, were invited to our deliverance, and brought with them wherewith not only to defray themſelves, but to relieve our wants." *Carte*, vol. III. *State Letters*, p. 524.

pro-

poſitions, and taken by all the members of the aſſembly. The councils of the clergy, and that party of the rebels who had been guilty of the barbarities committed in Ulſter in the beginning of the rebellion, were now predominant among the confederates; and in their general aſſembly it had been openly moved to apply to the Pope, or to ſome foreign prince, and in particular the King of Spain, for his aſſiſtance under the title of Protector.—Ormond, having in vain attempted to come to terms of accommodation with the Popiſh party, and finding himſelf totally unable to withſtand their united forces, had again recourſe to the protection of the Engliſh parliament, and offered to deliver up the garriſons and ſword on the conditions he had before refuſed, to ſuch perſons as they ſhould depute to receive them. To prevent the being a ſecond time deceived, the parliament inſiſted that Ormond ſhould ſend over, as hoſtages for the performance of articles, one of his ſons, with other perſons of quality. This was immediately complied with; and the hoſtages being received in England, the five commiſſioners before employed on the ſame errand arrived in the bay of Dublin on June 7, 1647, with a ſupply of more than ſix hundred horſe and fourteen hundred foot: and on the nineteenth of the ſame month was concluded a treaty, by which the lord-lieutenant, on the twenty-eighth, was to ſurrender the government *, on condition that the Proteſtants, and all others who had paid contribution, Ann. 1646.

* Previous to this treaty, the parliament had voted the lord Liſle, ſon to the earl of Leiceſter, to be the lord-lieutenant of Ireland.

Ann. 1646. were to be protected in their perſons and eſtates; that all noblemen and gentry who would go with the marquis of Ormond out of Ireland were to have paſſes; and the Popiſh recuſants who had not aſſiſted nor adhered to the rebels, were to be encouraged to hope, according as they ſhould demean themſelves, for the favor of parliament, in the quiet enjoyment of their eſtates and habitations *.

* The delivering up Dublin to the parliament was an act of neceſſity, againſt the poſitive orders of the King. In a letter in which he approved Ormond's former chicanery in his treaty with the parliament, and his coalition with Preſton, he wrote for farther directions: "I can only ſay, that upon no terms you muſt ſubmit to the cw ik, and that you endeavor what you can to repiece your breach with the Iriſh, in caſe you can do it with honor and a good conſcience." It appears by a letter from Digby to the lieutenant, that the ſame falſe dealing would have been again uſed, and this ſecond treaty proved non-effective, had proportional powers, which were daily expected, arrived from France. *Warner*, p. 400. *Carte's State Letters*, vol. III. p. 555.

CHAP.

CHAP. IV.

Growth of the Independents.——Diſpute concerning the right of diſpoſing of the King's perſon, between the parliament and the Scots.——The King ſurrenders his garriſons into the hands of the parliament.——The parliament ſends conditions to the King.——He refuſes the parliament's conditions.——Farther diſputes between the parliament and the Scots.——Reſolution of the Scotch parliament to give up the King.——The King delivered into the hands of the parliament's commiſſioners.—— Death and character of the earl of Eſſex.

IN proportion as the King's power approached nearer its diſſolution, the differences which had for ſome time ſubſiſted among his enemies, and which had ſerved to poſtpone his fall, grew more fierce and irreconcilable. Among the Preſbyterians (the only known party who, in the commencement of the civil war, had oppoſed the tyranny of the times *) there had from the beginning lurked a ſecret diſtinction, which common danger, and a conſciouſneſs of that weakneſs which attends the infancy of party, had for ſome time ſuppreſſed; but as theſe diſſenters encreaſed in numbers, and as the power of the crown grew leſs formidable, they no longer ſheltered themſelves under the wings of the Preſbyterians; but, avowing different principles and different views, divided into a diſtinct party, and were ſtiled Independents. The Independents (for they took their name from the na- Ann. 1646. Growth of the Independents.

* They were joined by ſome of the moderate Epiſcopalians.

Ann. 1646. ture of the tenets they profeſſed) rejecting all church power, as productive of the worſt kind of tyranny, and inconſiſtent with the plain precept of the goſpel, would allow of no eccleſiaſtical ſubordination, no government among paſtors, no interpoſal of the magiſtrate in ſpiritual concerns, nor fixed encouragement annexed to any ſyſtem of doctrines and opinions; all their congregations were formed upon a principle of co-ordinacy; all eſſential diſtinction was denied between the laity and the clergy; vocation, inſtitution, and laying on of hands were rejected, as politic ſnares; and the election alone of the congregation was deemed ſufficient to beſtow the ſacerdotal character. The doctrine of toleration, in theſe enlightened ages adopted by the liberal of almoſt all perſuaſions, owed its origin to the Independents *, whoſe declared averſeneſs to perſecution and church tyranny was too oppoſite to the bigotry and views of the Preſbyterians,

* The houſe of Commons, who from the beginning had exerted themſelves ſo nobly for the civil liberties of the kingdom, in their famous remonſtrance to the King, juſtified themſelves, as from the higheſt imputation, of any intention to relax the golden reins of diſcipline in the church. The reformed churches of France, Switzerland, Geneva, &c. gave their judgment againſt the pretenſions of the Independents to the full rights of conſcience; aſſerted that epiſcopacy itſelf, though the veſtments and apparel of the great whore, was better to be ſuffered than to bring in ſuch a horrible confuſion as was veiled under the name of Independency; and alledged, that the example of the tyrannical ſynod of Dort was a famous monument of the bleſſings God poured out upon general aſſemblies. It is to be obſerved, that the ſame judgment acknowledges there are many things eſtabliſhed in the government of the church which are not to be found in the word of God. In a national aſſembly of the reformed churches of France, in the year 1644, the Independents were ſtigmatized as a ſect prejudicial

not to be productive of high conteſt and animoſity. Ann. 1646.
Whilſt the Preſbyterians exclaimed that toleration was but an indulgence for ſoul-murder, maintained the eternal obligation of their covenant to extirpate hereſy and ſchiſm, menaced all their opponents with the ſame rigid perſecution which they had themſelves ſuffered, and of which they had ſo loudly complained *, the Independents, from the authority of the goſpel and the dictates of reaſon, argued, That every man had a right to direct his religious conſcience, and interpret the ſcriptures, according to his own lights and apprehenſions; that the doctrine of intolerancy would equally juſtify all religious perſecutions, Pagans againſt Chriſtians, Papiſts againſt Proteſtants, with that which had been ſo lately endured from the power of the epiſcopacy †; and that the Preſbyterians, by

cial to the church of God; and the different provinces were enjoined to beware, that the evil did not take foot in the churches of that kingdom; "In the end, ſaid the act, that peace and uniformity, as well in religion as in diſcipline, may be inviolably preſerved, and that nothing may be brought in amongſt us which may alter in any kind the ſervice due unto their majeſties." *Extract of the Acts of the National Synod of France, aſſembled by the King's commiſſion at Charentoun, December 16, 1644. Letters written by foreign miniſters to Buchanan, a Scot.*

* That ſour Preſbyterian Prynne, who, by conſequences deduced from the ſame principles of doctrine, had ſuffered ſo ſeverely under the power of prelacy, aſſerted, in a publication ſtyled "Independency examined, unmaſked, &c." That the civil government had a lawful power to ſuppreſs, reſtrain, impriſon, confine, baniſh, excommunicate, and even inflict death itſelf on the broachers of hereſies, ſchiſms, erroneous doctrines, enthuſiaſms, or ſetters-up of new forms of eccleſiaſtical government. *Prynne's Independency examined, unmaſked, &c.*

† One of the prints publiſhed at this time repreſented a pope, a prelate, and a preſbyter, ſeated together upon a bench, with this motto over them, "*Tria juncta in uno.*"

preaching

Ann. 1646. preaching up the doctrine of obedience in ſpiritual matters to eſtabliſhed powers, paſſed a ſelf-condemnation on their own oppoſition to former tyrannies. The whole Scotch nation, from an entire parity of opinion, united themſelves to the Engliſh Preſbyterians *; whilſt every differing ſect claſſed with the Independents, who, by a natural connection between civil and religious policy, were joined by the whole body of the republicans.

So long as the Preſbyterians had a large majority in the parliament, all thoſe who publicly vented contrary doctrines ſuffered under the laſh of their power †;

* It was urged in a remonſtrance of the Scots to the parliament of England, That it would be the ſin and ſhame of the church of England, and the ſorrow of all the reformed churches, and in particular of the church of Scotland, if liberty of conſcience, which was pleaded for, ſhould take place. It is to be obſerved of the Scotch church, That when they were themſelves ſtruggling againſt the King's tyranny in endeavoring to force epiſcopacy upon them, they paſſed an act againſt the toleration of diſſenters from Preſbyterian doctrine and diſcipline; and thus committed the ſame violence on the conſciences of their brethren, which they ſo juſtly oppoſed in the King. *Guthrie's Memoirs*, p. 69, *& ſeq.*

† Publications contrary to the Preſbyterian doctrine were burnt by order of parliament. It was ordered in the lower houſe, That an ordinance ſhould be brought in to puniſh with death one Paul Beſt, who denied the trinity of the Godhead, the deity of Chriſt, and the Holy Ghoſt. One Baldwyn, for preaching and avowing anabaptiſtical tenets, was ſent a priſoner to the Gate-houſe, with a ſtrict charge that he ſhould not be ſuffered to preach, nor any company to reſort to him. One Webb was complained of to the upper houſe by the aſſembly of divines, for having broached deiſtical doctrines, and that the ſoul of man was mortal: Webb was ſent for to anſwer the charge; but as there is no mention made of any puniſhment which was ordered him, he was moſt likely ſaved by the growing power of the Independents. *Whitlock*, p. 196. *Parl. Hiſt.* vol. XIII. p. 125, 342, vol. XIV. p. 23, *& ſeq.*

but as perſecution always ſerves for the increaſe of Ann. 1646.
that which it endeavors to ſuppreſs, ſects and opinions daily multiplied *, and repeated petitions were poured into the parliament, from the Preſbyterian miniſters and the aſſembly of divines, for the haſtening the Directory, for the taking an effectual courſe to prevent the growth of ſchiſm, and for the keeping back ignorant and ſcandalous perſons from the ſacrament of the Lord's Supper. Immediately before the treaty of Uxbridge, came forth the impatiently-expected Directory; and the parliament (whoſe committees of religion had hitherto aſſumed the whole eccleſiaſtical juriſdiction) now publiſhed an ordinance, by which they eſtabliſhed the Preſbyterian government in all its forms of congregational, claſſical, provincial, and national aſſemblies †. Material as

Parl. Hiſt. vol. XIII. p. 420, & ſeq.

* In a petition of the lord-mayor, aldermen, and common-council of London to the parliament, for the ſuppreſſing all private meetings on the Lord's day, it was declared, There were no leſs than eleven in one pariſh; that there were inſtances of women preachers in theſe meetings, and of new and ſtrange doctrines vented in them; whereby the godly orthodox miniſters were neglected and contemned, as if they were antichriſtian, and acted under the tyranny of prelatical government. *Parl. Hiſt.* vol. XIV. p. 208.

† The miniſters of pariſhes and ruling elders, choſen by their inhabitants, governed the ſpiritual concerns of the ſeveral congregations. A claſſis was formed by a number of neighboring pariſhes, and theſe diviſions were governed by the miniſters of the reſpective pariſhes and ruling elders, choſen from the elderſhip of each pariſh. A provincial aſſembly was compoſed of two miniſters and four ruling elders, ſent from each neighboring claſſis, and retained an inſpection over ſeveral claſſes. The national aſſembly was compoſed of two miniſters and four ruling elders from each province: its authority extended over the whole kingdom; but it was only to meet when ſummoned by parliament,

Ann. 1646. was the gaining this point, it was far from satisfying the zeal of this bigotted sect, who made loud complaints on the conduct of parliament, for denying them satisfaction on the following points.

The assembly of divines had voted Presbytery to be of divine right; but the Independents (assisted by Selden, Whitlock, and other able reasoners) had so far prevailed, that the parliament refused their assent to the decision: Excommunication, a power assumed by priests of all religions, was limited by an ordinance, which determined the cases in which it could be used *; appeals to the legislature from all ecclesiastical courts were allowed; provincial commissioners were appointed by the parliament to judge of such cases as fell not within their ordinance; and as the time of the meeting of the national assembly was left to the authority of parliament, nor liberty given in the particular of sitting, the whole authority of the church became subordinate to the power of this assembly. Such an encroachment, as it was termed, on the spiritual jurisdiction of the clergy, gave universal offence †. The assembly of divines sent up a

ment, and to sit no longer than the parliament should order. *The Parliament's Directions for the Election of Elders, August* 19, 1645.

* The following condition was part of the qualification insisted on for admittance to the sacrament of the Lord's Supper: That the receiver was to know that there was but one living and true God; that this God was but one, and yet three distinct persons, the Father, Son, and Holy Ghost, all equally God. *Parl. Hist.* vol. XIII. p. 464.

† The Scots exclaimed, That there was no warrant nor pretence for such a mixture in church-government from Jesus Christ, who had appointed his own spiritual officers, to whom he had committed the keys

petition on the subject to the Commons; but the Commons were so far from giving them satisfaction, that they voted their petition a breach of privilege; and then published a narrative, in which was laid down as a principle, That that assembly had no right to judge or vote on any point, either as to the doctrine, worship, or government of the church, but as they were authorised by parliament; and that they were to receive for law the determinations of the two houses *. Several unanswerable queries were also drawn up by the Commons, and put to the assembly of divines, concerning gospel authority for the *jus divinum* of church-government †. Ann. 1646.

keys of the kingdom of heaven, and to whom, the reformed churches conceived, the judging of offences and the qualification of communicants did as properly and incommunicably belong, as the public preaching of the word and administration of the sacraments. The Presbyterians, with the Papists, asserted, That the civil magistrate had no power over the church; but that he was bound by his civil power to compel all refractory persons to obey the church, and to banish and exile all sects, schisms, and heresies. The very same arguments as were used by the Papists in justification of their merciless persecution of the reformed churches, the very same arguments as the King and his hierarchy had used for the persecution of the Presbyterians, did these once-dissenters now urge, for the establishment of their tyranny over the consciences of their fellow-citizens and brethren in Christ. *Parl. Hist.* vol. XIV. p. 340.

* The parliament had from the beginning retained so jealous an authority over the assembly of divines, that they allowed them no privilege but the liberty of giving advice on matters not determined by parliament; nor would entrust them with the power of electing their own chairman or his substitute, nor supply the vacancies of their own members. *Hume's History of the Stuarts, quarto edition*, vol. I. p. 416.

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* The parliament had from the beginning retained so jealous an authority over the assembly of divines, that they allowed them no privilege but the liberty of giving advice on matters not determined by parliament; nor would entrust them with the power of electing their own chairman or his substitute, nor supply the vacancies of their own members. *Hume's History of the Stuarts, quarto edition*, vol. I. p. 416.

† The assembly of divines had the modesty to be silent on the subject; but the queries were attempted to be answered in private

Ann. 1646. THIS complete triumph gained by the Independents over the Preſbyterians gave a general alarm to the party. The petition from the aſſembly of divines was followed by a remonſtrance from the Scots commiſſioners; and this again abetted by a petition from the lord-mayor, aldermen, and common-council of the city of London, who were all of the Preſbyterian faction, for the ſuppreſſion of Independency, for a good correſpondence with the Scots, and for the fulfilling the covenant in the preſervation of the rights and privileges of parliament, the King's perſon and authority, and the defence of the true religion and liberties of the kingdom. The petitioners received the thanks of the Lords for their fidelity and conſtant ſervices, for their care that the true Proteſtant religion ſhould be ſettled according to the covenant, for their zeal againſt hereſy and ſchiſm, and their deſires for a good correſpondence with the Scots, of whoſe ſervices and ſufferings, the Lords ſaid, they ſhould not only hold a grateful memory, but upon all occaſions give a retaliation. The following peers, Northumberland, Pembroke, Grey, Denbigh, Say and Seal, Howard, Montague, Wharton, Kent, and Saliſbury, proteſted againſt this anſwer; and in the lower houſe the following cold reply, That the petition ſhould be taken into conſideration, was not

publications by ſome of the zealots of the party, who grounded the *jus divinum* of Preſbyterian government on the ſame texts of ſcripture uſed by Popiſh writers for the *jus divinum* of papal tyranny. *Anſwer to thoſe Queſtions propounded by the Parliament, &c. London*, 1646.—— The Preſbyterians were at this time powerful enough to obtain licence for the publication of this tract.

not obtained by the Preſbyterian party without great oppoſition, the numbers againſt the previous queſtion being 113 to 148, and againſt the main queſtion 151 to 108 *. Ann. 1646. Journals of Commons, May 26.

No ſooner did the news of the King's flight reach the capital than the parliament publiſhed a declaration, That what individual ſoever who ſhould harbor or conceal, or know of the harboring or concealing his perſon, and ſhould not reveal it immediately to the ſpeakers of both houſes, ſhould be proceeded againſt as a traitor to the commonwealth, and die without mercy †. On the intelligence that he had taken refuge in the Scotch camp, the Independents propoſed, That Fairfax ſhould march northward, to demand, at the head of his troops, the perſon of the King; a motion which ſo alarmed the Scots, that

* Previous to the preſenting theſe petitions and the remonſtrance of the Scots, the Commons publiſhed a proclamation, in which they declared, They would not put the power over the church out of the hands of the civil magiſtrate; that upon a peace being ſettled, they would reſtore juſtice to its ancient channel; and that though they had a great regard for the covenant, yet they were to interpret it in their own ſenſe, without the aſſiſtance of Scotch commentators. The city's petition was repreſented, in a very ſenſible publication, ſtyled, "A moderate Reply to the City Remonſtrance," as ſpeaking the language of malignants, who in their priſons began to triumph; and propheſied, from this conduct of the city, the fall of the parliament and the roundheads, and the exaltation of the cavaliers. *Parl. Hiſt.* vol. XIV. p. 347, *& ſeq. Guthrie*, vol. III. p. 1161. *A moderate Reply to the City Remonſtrance, London*, 1646.

† At the ſame time the parliament paſſed an ordinance, for the removal of Papiſts and cavaliers from the neighborhood of London. *Ruſhworth*, vol. VI. p. 268.

Ann. 1646. they prevailed with his majeſty to give orders for the ſurrendering the town of Newark into the hands of the parliament's commiſſioners, retreated with their royal prey to the town of Newcaſtle, diſclaimed all manner of previous treaty with the King which could encourage him to put himſelf into their hands, and promiſed to take the advice of the Engliſh parliament in all their meaſures. The ſuſpicious conduct of the Scots had raiſed too great a jealouſy to be allayed by ſuch ceremonials: Letters which paſſed between the commiſſioners of the Scots in London and in their army were opened by the captain of the parliament's guard; and though this breach of former reſpect was not done by the particular orders of either houſe, yet it was ſo far juſtified by the Commons, that the officer, whom the Lords (on the complaint of the Scotch commiſſioners) had committed to the Fleet, was diſcharged by their authority, without payment of fees; and a vote paſſed both houſes, That the kingdom had no farther occaſion to continue the Scotch army within the realm of England.

Diſpute concerning the right of diſpoſing of the King's perſon, between the parliament and the Scots.

THE ſtating the accounts between the parliament and the Scots, and the right of diſpoſal of the King's perſon, gave riſe to diſputes which filled the royal party with the moſt flattering expectations; but the iſſue proved, that the Scots were at this time too wiſe to fight the battle of their enemies, and that they had ſeduced the King into their hands, not to re-ſubmit themſelves to the laſh of royal prerogative, but to ſecure the payment of large arrears due on the ſum which the parliament, by the treaty between the two king-

kingdoms, had ſtipulated to pay them. So extravagant were the King's expectations, on the grounds of the paper ſent him by the French agent Montreville, that inſtructions were given to the marquis of Ormond, to certify to all his majeſty's ſubjects in the kingdom of Ireland, That the Scotch army in the ſervice of the Engliſh parliament were to join the forces under the marquis of Montroſe, and the cavalier party in England to conſtrain the parliament to an honorable peace *: But, to his great diſappointment, inſtead of meeting with a guard, as he had been made to expect, to conduct him in a pompous manner to the Scotch camp, the Scotch generals and commiſſioners affected ſurpriſe at what they termed his unexpected appearance; a guard was ordered, not only to protect but to ſecure his perſon; petitions were daily preſented him, to give full ſatisfaction to his Scotch and Engliſh ſubjects; Montreville, the active French agent, was reſtrained from any conference with him; and all thoſe who had taken up arms againſt the parliament were denied acceſs to his preſence †. The deſign of any kind of combination with the royal party was peremptorily denied by the Scots; and the King now found it neceſſary to make a different

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Clar. Hiſt. vol. III. p. 18, & ſeq. Parl. Hiſt. vol. XIV. p. 405.

* The marquis of Ormond ſent a copy of theſe inſtructions to Monroe, the commander of the Scotch troops in Ireland: They were communicated by Monroe to the commiſſioners of parliament in Ulſter, and by them ſent over to the two houſes at Weſtminſter. *Ruſhworth*, vol. VI. p. 272.

† Aſhburnham, the King's ſervant, fled to France; and Dr. Hudſon, in endeavoring to eſcape, was taken and delivered up to the parliament. *Ludlow's Memoirs*, p. 68.

kind

Ann. 1646. kind of application to the Engliſh parliament, than what he had intimated in his inſtructions to the marquis of Ormond. On the eighteenth of May he ſent a meſſage to the two houſes, in which he aſſured them, That his withdrawing to the Scotch camp was only to ſecure his own perſon, and with no intention to continue the war longer, or make any diviſion between his two kingdoms *; recommended the ſpeedy ſettling religion, and the taking, to that end, the advice of the aſſembly of divines; offered that the two houſes ſhould, during the ſpace of ſeven years, name all the commiſſioners for the militia; and that, after the expiration of that term, it ſhould be regulated by the crown and both houſes of parliament: the like was offered for the kingdom of Scotland: and concerning the wars in Ireland, his majeſty would do whatſoever was poſſible to give ſatisfaction therein †.

The King ſurrenders his garriſons into the hands of the parliament.

No notice being taken of this meſſage, on the tenth of June it was followed by another; in which the King expreſſed an earneſt deſire that the propoſitions of peace might be ſpeedily ſent unto him; and at

* After the date of this meſſage, when the King's inſtructions to the marquis of Ormond came before the parliament, on the queſtion being put, "Whether it appeared by the King's letter to the ſaid marquis, that he went into the Scotch army with a deſign to create diviſion between the two kingdoms of England and Scotland, and to continue the war againſt the Engliſh parliament," it paſſed in the affirmative. *Parl. Hiſt.* vol. XIV. p. 444, *& ſeq.*

† At the ſame time the King ſent the parliament this meſſage, he ſent another to the lieutenant of Ireland, to obey none of his public orders in regard to that kingdom. *Carte's State Letters.*

the

the ſame time encloſed an order for the ſurrendering Ann. 1646.
thoſe garriſons which yet ſtood out againſt the arms of the parliament. The terms granted to theſe towns, caſtles, and forts, were more favorable than could have been expected from the conduct of the adverſe party *; and even thoſe garriſons, who, obſtinately rejecting the King's order as obtained on the condition of reſtraint, ſuffered themſelves to be reduced to the utmoſt extremities, were treated with humanity. And thus calmly, through the mercy of the victor, finiſhed a civil war, which, by the vanquiſhed party, had been carried on for the ſpace of four years, with great animoſity and cruelty.

The great-ſeal having, by the ſurrender of Oxford, fallen into the hands of the parliament, it was publicly broken by their order †; and now, by the ſeeming compliant diſpoſition of the King and the Scotch commiſſioners (who had at length agreed that the propoſitions of peace ſhould be ſent to his majeſty, in the manner the Engliſh parliament had determined and inſiſted on ‡) the face of affairs began to

* Contrary to the conſtant cuſtom which the royaliſts had uſed in their ſucceſſes, the articles on which theſe towns and garriſons were ſurrendered were obſerved by the army under Fairfax with the exacteſt punctuality. *Whitlock. Ruſhworth.*

† With the great-ſeal were broken the ſeal for the Court of Wards, the Exchequer ſeal, and the ſeal for the King's-Bench.

‡ This aſſent of the Scotch commiſſioners to the ſending the propoſitions of peace was with proviſo, That it ſhould be underſtood their concurrence ſhould be without prejudice to any agreement or treaty between the kingdoms, and ſhould not infringe any engagement made to the kingdom of Scotland, nor be any hindrance to their inſiſting upon

Ann. 1646. wear an hopeful proſpect of returning tranquillity. Proſperous as was the preſent condition of the parliament, the terms they offered to the King differed not very materially from thoſe which had been before tendered at the treaty of Uxbridge: they were digeſted into nineteen propoſitions, and ſent down to Newcaſtle by the earls of Pembroke and Suffolk, Sir Walter Erle, Sir John Hippeſley, Mr. Goodwin, and Mr. Robinſon *. To do the Scots juſtice, they were

The parliament ſends conditions to the King.

upon the other propoſitions which they had already made known to the houſe. The material objection which the Scots made to the parliament's propoſitions, and the objection to which this proviſo has reference, was, that in the thirteenth propoſition it was demanded of the King, That the two houſes at Weſtminſter ſhould have the command of all the forces in England and Ireland, contrary, they ſaid, to the treaty between the two nations, concluded at Edinburgh in the year 1643, by which not only the Scotch army in Ireland, but the Britiſh troops, were to be commanded by the officer who was to have the chief command of the Scotch forces. The parliament of England, who, at the time when this treaty was made, truſted the Scots with this extraordinary privilege to take it out of the hands of the King's creatures, diſowned it to be a formal treaty, or other than a temporary conceſſion of their committee. The Scots having privately printed the papers they had given in to the parliament againſt the propoſitions, with a ſevere preface, they were ordered to be burnt by the hands of the hangman. *Parl. Hiſt.* vol. XIV. p. 320, 373, *& ſeq.*

* The ſubſtance of the nineteen propoſitions ſent to the King.

To take away all oaths and proclamations againſt the parliament and their actions: To ſign the covenant, and an act for the general taking it: To paſs an act to aboliſh biſhops, &c. To confirm the aſſembly: That religion be ſettled as both houſes ſhould agree: Unity and uniformity of religion to be confirmed by an act: An act againſt Jeſuits, Papiſts, &c. An act for educating the children of Papiſts in the Proteſtant religion: For penalties againſt Papiſts: Againſt ſaying of maſs: The like for Scotland, as that kingdom ſhall think fit: For the due obſervance of the Lord's day: Againſt pluralities, non-reſidents,

indefatigable in their endeavors to bring the King to Ann. 1646.
ſuch a ſenſe of his ſituation as ſhould incline him to give the parliament full ſatisfaction; but the Independents, who feared nothing ſo much as a conjunction of their two mortal enemies, the cavalier and Preſbyterian parties, had found means to flatter the fond inclinations, and work ſo ſtrongly upon the inſincerity and ill faith of the King, that, to the extreme diſappointment and vexation of the Scots, he could not be perſuaded to give other anſwer to the parliament's propoſitions, than that he would

The King refuſes the parliament's propoſitions.

dents, and regulating the univerſities, on the ſame act: The power of the militia to be in the parliament for twenty years: The like for the kingdom of Scotland, with power to raiſe money, and to uſe the militia according to the exigence of circumſtances: The privileges of the city of London, as to their militia, to be confirmed: All honors and titles, ſince the great-ſeal was carried from the parliament, to be void; and no peers to be created but by conſent of the two houſes of parliament: To confirm the treaty between England and Scotland, and conſervators of the peace to be appointed: To eſtabliſh the declaration of both kingdoms, June 30, 1643, with the different qualifications of puniſhment, both Engliſh and Scots: To make void the ceſſation in Ireland; the war there to be left to the parliament; the ſame religion to be ſettled in Ireland as in England: The militia and Tower of London to be in the government of the city; their charters to be confirmed; and all bye-laws made by the corporation to carry the ſame authority as if enacted by parliament: All grants and proceſſes under the parliament's great-ſeal to be confirmed, and all by any other great-ſeal to be void: The ſame with regard to the kingdom of Ireland: All honors granted ſince the ceſſation in Ireland to be void; and the chief magiſtrates and officers of ſtate in that kingdom to be nominated by the two houſes of the parliament of England: That the parliament of Scotland ſhall have the privilege of nominating the chief magiſtrates and the officers of ſtate in Scotland.

Ann. 1646. never condeſcend to what was abſolutely deſtructive to that juſt power, which, by the laws of God and the land, he was born to; and a demand to be ſuffered to come with freedom, honor, and ſafety, to ſome of his houſes near London, to treat with his parliament *.

SEVERELY as this unhappy prince had ſuffered by a contrary conduct, he had not yet adopted the juſt maxim, "That honeſty and ſincerity are the beſt policy." The continual victim to his own duplicity, his counſels fluctuated with every flattering appearance which accident or the intereſt of faction preſented: at one time, big with the expectation of foreign aſſiſtance, he talked in a high ſtrain to all parties; at another, meditating an eſcape, in which he was diſappointed by the negligence or treachery

* Burnet, in his Memoirs of the Hamiltons, relates, That when in the lower houſe thanks were voted to the commiſſioners who had been with the King, a member, of the Independent party, ſaid, They owed more thanks to the King than to any body: That a Preſbyterian member exclaiming, "What will become of us, ſince the King refuſes the propoſitions?" he was anſwered by an Independent, "Nay, what would have become of us if he had granted them?" The ſame author informs us, That when the King's anſwer to the parliament's propoſitions was preſented to the upper houſe, thoſe members who were the beſt affected to him hung down their heads; that the anſwer was ſent down to the Commons without a word from the Peers; that there it met with the ſame entertainment; and that in the debate which enſued, the mildeſt opinion was, That the King ſhould be kept a priſoner; ſome propoſed the excluding him for ever from the government; and that it was thought a great point to carry the preſervation of his perſon, according to the covenant. *Burnet's Memoirs of the Hamiltons*, p. 283, *&* *ſeq.* 309.

of

of his own ſervants, he appeared indifferent to all propoſitions: now diſpirited with diſappointment, he endeavored to compound with the Scots for a toleration of epiſcopacy, and to join heartily with the Preſbyterians in the perſecution of all other ſects and opinions; then, cajoled by the Independents, he retracted all his conceſſions in favor of Preſbytery. It was the flattering aſſurances theſe mortal enemies to his power and government had at this time given him, which made him deaf to the unanſwerable arguments the Scotch commiſſioners and officers, and particularly the earl of Loudon, urged for his abſolute compliance with the demands of the parliament *. "The parliament, ſaid this nobleman, are poſſeſſed of your majeſty's navy, and of all the forts, garriſons, and ſtrong holds in the kingdom; they are now in ſuch a poſture for ſtrength and power, as to be enabled to do what they will, both in church and ſtate; whilſt ſome are ſo afraid, others ſo unwilling, to ſubmit themſelves to your majeſty's government, that they deſire not you nor any of your race longer to reign over them; yet the people are ſo attached to monarchy, that ſuch as are weary of your majeſty's government, dare not attempt to caſt it off, till once they ſend propoſitions of peace to your majeſty, leſt the people ſhould fall from them: and therefore the houſes of parliament

Ann. 1646. Parl. Hiſt. vol. XV. p. 264. Burnet's Memoirs of the Hamiltons, p. 307.

Bamfield's Apology.

* The earl of Lauderdale, in letters from London, warned the King, That the deſigns of the Independents were the ruin of monarchy, and the deſtruction of his perſon and poſterity; that they only meant to divide him from his parliament, to ruin him more effectually. *Burnet's Memoirs of the Hamiltons*, p. 288, *&* *ſeq.*

Ann. 1646. have reſolved upon the propoſitions which are tendered to your majeſty, as that without which the kingdom and your people cannot be in ſafety; and moſt part of the people think there cannot be a ſafe peace on any other terms. Now, Sir, if your majeſty (which God forbid) ſhall refuſe to aſſent to the propoſitions, you will loſe all your friends, and both kingdoms will be conſtrained, for their mutual ſafety, to agree and ſettle religion and peace without you; which, to our unſpeakable grief, will ruin your majeſty and your poſterity; and if your majeſty reject our faithful advice, who deſire nothing on earth more than the eſtabliſhment of your majeſty's throne, and loſe England by your wilfulneſs, your majeſty will not be permitted to come and ruin Scotland. Sir, we have lain our hands upon our hearts, we have aſked counſel and directions from God, and have had our moſt ſerious thoughts about the remedy; but can find no other (as affairs ſtand for the preſent) to ſave your crown and kingdoms, than your majeſty's aſſenting to the propoſitions. We dare not ſay but they are higher in ſome things, if it were in our power and option to remedy it, than we do approve of; but when we ſee no other means for curing the diſtempers of the kingdom, and cloſing the breach between your majeſty and your parliaments, our moſt humble and faithful advice is, That your majeſty would be graciouſly pleaſed to aſſent to them, as the beſt way to procure a happy and ſafe peace; becauſe your majeſty ſhall thereby have many great advantages: you will be received again in your parliament, with the applauſe and acclamations of your

your people; by your royal preſence your friends Ann. 1646.
will be ſtrengthened; your enemies (who fear nothing ſo much as the granting the propoſitions) will be weakened; your majeſty will have a fit opportunity to offer ſuch propoſitions as you ſhall in your wiſdom judge fit for the crown and kingdom; all armies will be diſbanded; and your people finding the ſweet fruits of your peaceable government, your majeſty will gain their hearts and affections: this will be your ſtrength and glory, and will recover all your majeſty hath loſt in this time of tempeſt. And if it pleaſe God ſo to incline your royal heart to this advice of your humble and faithful ſervants, who, next to the honor of God, eſteem nothing more precious than the ſafety of your perſon and crown, our actions ſhall quickly make it appear to all the world, that we eſteem no hazard too great for your majeſty's ſafety; and that we are willing to ſacrifice our lives and fortunes for eſtabliſhing your throne. And now, Sir, we proſtrate ourſelves at your majeſty's feet, and in the loweſt poſture of humility do beg that your majeſty may in the end grant the ſuit of your moſt faithful ſervants, who have no private aims, but only the glory of God and the ſafety of your majeſty's perſon, poſterity, and crown, before our eyes. The granting our deſires will revive our fainting ſpirits, refreſh our ſad hearts, which are overwhelmed and like to break with ſorrow, and will turn the prayers and tears of many thouſands of your people in praiſes to God, and make them embrace your majeſty with acclamations of joy *."

* Lord Clarendon terms this earneſt exhortation and friendly advice "a rude and unmannerly importunity." *Clar. Hiſt.* vol. III. p. 28.

THE

Ann. 1646. Farther diſputes between the parliament and the Scots.

THE diſputes between the two kingdoms, which had ariſen on the King's taking refuge in the Scotch camp, was not yet determined, neither ſide having openly yielded their ſeveral claims. The Engliſh parliament maintained, That the King, being in England, was comprehended within the juriſdiction of that kingdom, and could not be diſpoſed of by a foreign nation *. The Scots, though they proteſted

* In this diſpute it was aſſerted by the Engliſh and allowed by the Scots, That the perſon of the King was to be diſpoſed of by the judgment of parliament. Mr. Challoner, a member of the Commons' houſe, in a very judicious and logical diſcourſe, ſhewed the plain diſtinction between the office and perſon of the King: "We ſhall acknowledge, ſaid he, that the king of Scotland being taken *in abſtracto*, we have nothing to do with him; he is ſolely and totally theirs. God forbid that a king of Scotland going out of his kingdom ſhould either make Scotland ceaſe to be a kingdom, or give any participation of intereſt to that country where he doth reſide. Let his perſon reſide in the fartheſt part of the earth, yet the royal office and capacity of the King reſideth ſtill in Scotland: they have his ſword to do juſtice by, his ſceptre to ſhew mercy by, his ſeal to confirm what they pleaſe by, and his laws to govern by. In this ſenſe it is only meant, that the King is never under years, never dies, cannot be deceived, can neither do wrong or take wrong of any body; and in this ſenſe we fight for King and parliament, though the perſon of the King be in oppoſition to both. They ſay, continued Mr. Challoner, that by virtue of the covenant they are obliged to defend the King's perſon and authority: what his authority is in Scotland themſelves beſt know; but you are only to judge of it in England, ſince, being not ſubordinate to any power on earth, there is no power under Heaven can judge you. The covenant ties you to maintain, in the firſt place, the rights of parliament and the liberties of the kingdom; and in the ſecond place the King's perſon and authority, and that only in defence of the former, and not otherwiſe. And whereas they expect the King ſhould be received by you with honor, ſafety, and freedom, I beſeech you, Sir, conſider whether, as the caſe now ſtands, his reception with honor can ſtand with the honor of the kingdom; whether his ſafety be not incompatible with the ſafety of the commonwealth; and whether his freedom be not inconſiſtent with the freedom of the people. I pray, Sir, take heed leſt that bringing him in with honor you do not diſhonor yourſelf, and queſtion the very juſtice of all your actions; be wary that in receiving him with ſafety you do not thereby endanger and hazard the commonwealth; be adviſed leſt in bringing him home with freedom you do not thereby lead the people of England into thraldom. I pray, Sir, firſt ſettle the honor, ſafety, and freedom of the King, ſo far as the latter may ſtand with the former, and not otherwiſe." *Parl. Hiſt.* vol. XV. p. 143, *& ſeq.*

againſt giving Charles refuge in Scotland, as a meaſure deſtructive to the peace of the country *, yet, as he was king of Scotland, they pretended to an equal vote with the Engliſh parliament in the diſpoſal of his perſon in England. Such an abſurd pretenſion could only be advanced to keep the King as a pledge for arrears they claimed from England, and which, in the preſent diſpoſition of the country towards them, they were not likely to obtain by any other expedient †. Ann. 1646.

* "Since the beginning of the world, ſaid Mr. Challoner in the Commons' houſe, there was never before ſuch a contention about the perſon of a king. The Greeks and Trojans did contend for a long time in fight about the dead body of Patroclus, which of them ſhould have it; but here is not a contention about the dead body of a private man, but about the living body of a king: neither do we contend as they did, who ſhould have his perſon, but here you do contend, as far as I conceive, who ſhall not have it. Your brethren of Scotland ſay poſitively they will not have the King's perſon upon any conditions whatſoever. It is now about ſix months paſt that you voted in this houſe the demanding of the King's perſon, but the Lords then refuſed to join with you. Ever ſince, until this preſent, you yourſelf did acquieſce, as if you had repented of your former vote. Now he muſt be put upon you, and with ſuch terms as his preſent guardians pleaſe to allow of." *Ruſhworth*, vol. VI. p. 339.

† It appears evident, that the Scots had enticed the King into their army with the intention of availing themſelves of that circumſtance to ſecure

Ann. 1646. They were ſo extravagant in their demands as to bring in the Engliſh their debtors for the enormous ſum of two millions; but, after much altercation, it was at length agreed, That they ſhould accept of four hundred thouſand pounds in lieu of all demands, half to be paid in preſent, and half within the twelvemonth *.

Reſolution of the Scotch parliament to deliver up the King.

THOUGH it was apparent that the Engliſh never would have parted with ſo conſiderable a ſum without they had been previouſly aſſured that the Scots would deliver up the King, yet this people pretended, and their friends the Engliſh Preſbyterians complied with their delicacy, to make the eſtimation and payment of arrears appear a quite different tranſaction from that for the delivery of the King's perſon. The Scotch parliament once voted, That the King ſhould be protected, and his liberty inſiſted on; but on the news arriving at Edinburgh that the Engliſh had conſented to pay down ſo large a ſum as two hundred thouſand pounds, the former reſolution was retracted, and the parliament reſolved, That his majeſty ſhould be deſired to grant the whole propoſitions, and, in caſe of refuſal, the certifications given to his majeſty ſhould be put in execution; viz. to ſecure the kingdom without him; to declare that the kingdom of Scotland could not lawfully engage themſelves for his majeſty, he not taking the covenant, ſatisfying as to religion, &c. &c. and that they would not admit him to come to Scotland unleſs he gave a ſatisfactory anſwer to the whole propoſitions lately preſented to him in the name of both kingdoms *. When the intelligence of the final reſolution of the Scotch nation to deliver him up was brought to the King, he diſpatched another meſſage to both houſes at Weſtminſter, repeating his deſire to come to London, or

Ann. 1646. Guthrie's Memoirs.

ſecure the payment of their arrears; and that though they did not expreſly bind themſelves by any formal covenant, yet that they gave him general aſſurances of ſupport and aſſiſtance. Clarendon ſays, That in proportion as Montreville grew diffident of their performances, they kept up his hopes by promiſes and proteſtations; that though they would not agree to the King's propoſal to unite their forces to his friends in Scotland, under the command of the marquis of Montroſe, with reference only to the perſon of that nobleman, yet they aſſented to the King's employing him as his embaſſador-extraordinary to any other place but France; and, according to biſhop Guthrie, the lord Balmerino, on his arrival from London to Edinburgh, reported to the committees of ſtate and church, That the matter had been handled with ſuch ſkill and ſucceſs, that he was confident the next advertiſement would give an account of his majeſty's being with the Scotch army. *Clar. Hiſt.* vol. III. p. 14, *& ſeq.* *Guthrie's Memoirs*, p. 175.

* One hundred thouſand pounds was the ſum which the Commons at firſt voted for immediate payment, and another hundred thouſand pounds for after payment; but on the repeated refuſal of the Scots to accept it in lieu of their demands, the Preſbyterian party in parliament, with great difficulty, carried firſt the addition of one hundred thouſand, and then of the ſecond hundred thouſand pounds. The Scots demanded ſecurity on the biſhops lands for the payment of the two hundred thouſand pounds in arrears, but the parliament refuſed to give other ſecurity than the public faith. *Parl. Hiſt.* vol. XV. p. 64, 76, 88, 216, *& ſeq.*

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* The day after the reſolution in favor of the King had paſſed the Scotch parliament, the general aſſembly ſent in a paper, termed, "A Seaſonable Warning to all Eſtates and Degrees of Perſons throughout the Land;" in which the forſaking the covenant, and taking any ſtep towards a breach with England, was repreſented as a heinous crime. *Ruſhworth*, vol. VI. p. 391.

Ann. 1646. any of his houſes in the neighborhood of the capital, upon the public faith and ſecurity of parliament and the Scotch commiſſioners that he ſhould be there with honor, freedom, and ſafety, in order, he ſaid, to the clearing up his doubts *. On this meſſage, after ſome altercation between the Lords and Commons, whether the place of his majeſty's reſidence ſhould be Newmarket in Cambridgeſhire or Holdenby in Northamptonſhire, it was reſolved, according to the ſenſe of the Commons, in favor of the latter †.

THE debates which had hitherto ſubſiſted between the Scotch commiſſioners and the two houſes at Weſt-

* At the very time the King was making this application to the houſe, a plot was diſcovered which he had formed for the eſcape of the duke of York, whom his majeſty had deſigned to ſend to Ireland, but who had fallen into the hands of the parliament on the ſurrender of Oxford. *Whitlock*, p. 235. *State Letters by Carte.*

† On the firſt intelligence of the King's having taken refuge among the Scots, the Commons paſſed one vote, That the perſon of the King ſhould be diſpoſed of to ſuch place within the kingdom as the parliament ſhould appoint; and another, That Warwick-Caſtle ſhould be the place appointed. High words had ariſen between the two houſes, on the Lords refuſing their concurrence to this vote: Sir John Evelyn, one of the managers for the Commons, intimated to the Lords in a conference, That if their lordſhips did not agree with the houſe of Commons, that houſe would put their votes in execution without their concurrence. The Lords complained that this was contrary to their privileges, and a kind of threat to exclude their order out of the legiſlature. The Commons juſtified their member by vote, and told the Lords, That though his words had imported the ſenſe which their lordſhips had put upon them, yet that they (the Commons) could not decline to do their parts in caſes of neceſſity which concerned the general good of the kingdom. This is not the firſt precedent noticed in this Hiſtory of the ſame kind of ſpirit ſhewn by the Commons. *Journals of Commons, May* 13, 16. *Parl. Hiſt.* vol. XIV. p. 385, *& ſeq.*

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minſter, concerning the diſpoſal of the King's perſon, Ann. 1646. were entirely put an end to by the arrival of the reſolutions of the Scotch parliament; and nothing now remained to be ſettled between the two nations but the adjuſting the payment of the firſt moiety of the four hundred thouſand pounds which the Scots had agreed to accept, and the evacuation of the Engliſh garriſons now in the hands of the Scots. Hoſtages were given on both ſides for the fulfilling theſe ſeveral purpoſes; and a committee (conſiſting of the earls of Pembroke and Denbigh, the lord Montague, Sir John Cooke, Sir Walter Erle, Sir John Holland, Sir James Harrington, Mr. Crew, and major-general Brown) was appointed to receive the King from the Scots, with inſtructions to keep him cloſe priſoner, and to ſend to the general Fairfax for what forces were neceſſary for that purpoſe. At Newcaſtle, on the thirtieth of January, 1646-7, the parliament's commiſſioners received the King from the Scots, and conducted him with a ſtrong guard to Holdenby; and on the ſame day, to the inexpreſſible ſatisfaction of the northern counties, who had long, from the free-quartering of the Scotch army, endured the utmoſt oppreſſion and vexation, theſe auxiliaries ſet forward on their return to their own country.

The King delivered into the hands of the parliament's commiſſioners.

AT the latter end of the ſummer 1646, whilſt the King remained in the Scotch army at Newcaſtle, died the parliament's diſcarded general, Robert Devereux, earl of Eſſex. By the republicans, to whoſe views and intentions he was a determined enemy, his death was regarded as an auſpicious omen: by the royaliſts, whoſe cauſe, when in the meridian of his power and popu-

Death and character of the earl of Eſſex.

Wood's Athenæ Oxonienſis. Biographia Britannica.

Ann. 1646. popularity, he never heartily hated, and whoſe cauſe; on the diſguſts he had received from the prevalent faction, he began to love *, his death was regretted as a particular and important loſs †: whilſt by the Preſbyterians, the nobility, and the greater part of the gentry, it was lamented as a deciſive ſtroke of adverſe fortune. To poſſeſs the ſpoils of an enemy, to ſeat themſelves on the throne of tyranny, without any deſign to reform the oppreſſive principles of the conſtitution, was the only end for which this faction had entered into hoſtilities with the King; an end which might have been completely obtained, had the war been brought to a concluſion within the firſt three years of its period: but this event, which would have put all things in the power of the faction, was poſtponed by the crafty yet miſtaken policy of thoſe whom they had entruſted with the mi-

* After the vote for new-modelling the army had paſſed both houſes, we find the name of Eſſex in all the proteſts againſt popular reſolutions. *Parl. Hiſt.*

† "The Preſbyterian party, ſays Clarendon, finding themſelves ſuperior in the two houſes, would without doubt have attempted to new-model the army, if it had not pleaſed God to have taken away the earl of Eſſex, who died in a time when he might have been able to have undone much of the miſchief he had formerly wrought, to which he had great inclinations; and had indignation enough for the indignities himſelf had received from the ungrateful parliament, and wonderful apprehenſion and deteſtation of the ruin he ſaw likely to befal both King and kingdom; and it is very probable, conſidering the preſent temper of the city at that time, and of the two houſes, he might, if he had lived, have given ſome check to the fury which prevailed. But, continues this ſuperſtitious writer, God would not ſuffer a man, who, out of the pride and vanity of his nature, rather than the wickedneſs of his heart, had been made an inſtrument of ſo much miſchief, to have any ſhare in ſo glorious a work." *Clar. Hiſt.* vol. III. p. 32, *& ſeq.*

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litary command. In the foremoſt rank of theſe was Ann. 1646.
the earl of Eſſex, who, to avoid an entire conqueſt over the King, had well nigh ruined the cauſe of Liberty and the commonwealth, had made a trade of war, and ſported with the blood of his countrymen, till the lingering contention gave power and numbers to a party, whoſe views of reformation were as oppoſite to the intereſts and deſigns of the Preſbyterians, as was the eſtabliſhed power of the monarchy and the prelacy.

THE opportunities with which Eſſex was favored, had his dull ambition been quickened by ſpirit and tempered with judgment, had raiſed him to the higheſt pinnacle of his moſt aſpiring wiſhes: In his perſon had concentered the reputation of Fairfax and the influence of Cromwell; in his power it would have been to have preſerved at leaſt the forms of monarchy with the privileges of the nobility, and to have eſtabliſhed Preſbytery. Theſe were the purpoſes of the faction, and to theſe ends both the ſenate and the army would have concurred, had the King been reduced low enough to accept the conditions; but the mean jealouſy which Eſſex had entertained of the popular intereſt, a too-anxious care of preſerving his importance and the importance of his order, occaſioned the loſs of both; and the parliament, at the end of a four years continued war, after having thrown away repeated opportunities of conqueſt, after having more than once found themſelves on the brink of deſtruction, after having in vain laviſhed away the almoſt-exhauſted treaſure of their partizans,

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Ann. 1646. were rather in a ſituation to receive than to impoſe conditions. The King was in poſſeſſion of the greater part of the garriſons of the kingdom, and, according to his own opinion, ſtood a fair chance for complete victory. It was now no longer the ſeaſon for dallying: the principle of ſafety was ſuperior to other conſiderations; the paſſion of fear for ſome time got the better of bigotry and the love of power; and the new-modelling the army was a meaſure of neceſſity, to which all parties readily ſubmitted. The ſuperiority the republicans gained by the alteration is already apparent; whilſt the earl of Eſſex, inſtead of reaping the glory of putting an end to the war to the ſatisfaction of that party by whom he was entruſted with the ſupreme command, was totally diſcarded from the ſervice of the public, and conſtrained to give place to the riſing fortunes of a more active rival.

It is obſerved by his cotemporary the earl of Clarendon, That Eſſex was rather driven into oppoſition by the repeated ill uſage he had received from the court *, than by any particular affection for the free-

* James had ſhewn himſelf a warm partizan againſt Eſſex in a domeſtic concern of the moſt tender and delicate nature; and on finding his name among the liſt of petitioners againſt Iriſh peerages, expreſſed againſt him a particular and petulant reſentment. "Into the royal preſence (ſays Wilſon, his domeſtic ſervant) the earl of Eſſex came but ſeldom, perceiving that he was not very agreeable to the King; which was attributed to the roughneſs of his deportment, and his affecting the manner and garb of a ſoldier." By all accounts, Eſſex met with the ſame diſcouraging treatment from the ſon as he had received from the father: Sir Philip Warwick ſays, That he was a man

dom of the conſtitution; and this opinion appears to Ann. 1646.
be well grounded by the activity the earl ſhewed againſt the Scots in their firſt invaſion. It is obvious, that had the other chief officers employed in this expedition acted with the ſame ſincerity and zeal, the Scots would have been reduced to the tameſt ſubmiſſion, and the King's tyranny fully eſtabliſhed over both nations: nor was it any backwardneſs in Eſſex, but the moſt prepoſterous folly in the court, that he who had the character of being the moſt experienced ſoldier of the age, that he who had executed with the utmoſt punctuality his former truſt, was not put at the head of the ſecond expedition againſt the Scots, and thus rendered the inſtrument of deſtruction of the liberties of both countries *. It is more than

man much diſobliged at court; that the court was not artificial enough to make that right uſe of him which his intereſt amongſt the ſoldiers, and his plain blunt Engliſh nature, might have been formed into by a ſeeming conſequence. Clarendon ſays, He had no ambition of title, of office, or preferment, but only to be kindly looked upon and kindly ſpoken to, and quietly to enjoy his own fortune. *Wilſon's Hiſtory of Great Britain*, p. 736. *Warwick's Memoirs of Charles the Firſt*, p. 130. *Clarendon's Hiſtory of the Rebellion.*

* Eſſex, with a part of the army, had orders to advance to Berwick; and in his march thither he met with ſeveral Scotch noblemen, who pretending to be well affected to the King, informed him of the great ſtrength of their countrymen, of their march towards England, and of the hazard he muſt run in attacking them with ſo inconſiderable a force. The earl heard them, quickened his march, took poſſeſſion of Berwick, found the Scots had in reality hardly any forces, and if the King had ſent him proper orders, ſays one of his biographers, he would have marched on to Edinburgh, and reduced that people to their duty. "The Scots, upon the approach of the King's army, ſays the ſame writer, addreſſed themſelves to the King's generals, and eſpecially to the earl of Eſſex, with great humility: the other

Ann. 1646. probable, that the after-patriotiſm of his character was determined by this mortifying neglect, with the being haughtily refuſed a favor he had ſolicited *. We find him among the liſt of thoſe who petitioned the King to call a parliament to ſettle the diſputes in queſtion; and as the popular party left no pains nor flattery unpractiſed to gain him entirely to their intereſt, he became of conſequence enough to be among thoſe whom the King, in his ſtate of humiliation, endeavored to corrupt by the lucre of office. The earl of Eſſex, with other popular lords, was ſworn of the King's privy-council in the year 1640; and in 1641 the chamberlain's ſtaff was taken from the earl of Pembroke, with whom the King was highly diſpleaſed, and conferred on the earl of Eſſex. In this capacity, Clarendon ſays, he would have forſaken his party and attended the King to Hampton-court, had he not been aſſured by the earl of Holland that there was a deſign laid to aſſaſſinate him. The angry meaſure which by the queen's influence was executed of

other two received their applications kindly enough; but Eſſex behaved with becoming dignity, ſent their letters to the King, and when his majeſty was prevailed upon to liſten to an accommodation, refuſed to have any concern in it, or ſo much as to receive the viſits of the Scotch commiſſioners, till the pacification was ſigned. When there was no farther occaſion for his ſervice, he was diſmiſſed rather with coldneſs than civility, and in the ſecond expedition againſt the Scots was not offered any command." *Biographia Britannica.*

* On the wardenſhip of Needwood-Foreſt, which was cloſe to the earl of Eſſex's houſe at Chartly, becoming void by the death of the lord Aſton, the earl ſolicited the poſt, "and was refuſed it, ſays Clarendon, in ſuch a manner, that he could not avoid taking it as an affront."

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depriving him of his office, with the inſults which on his domeſtic misfortunes were flung on him by the court *, rivetted his reſentment; and this, with an ambition which he had early imbibed, of ſhining in a military capacity, induced him to accept of the parliament the honor of heading the army they had raiſed againſt Popiſh and prelatical influence. Eſſex had now paſſed the Rubicon, and was declared a traitor in form †; and though he appears to have had a ſufficient knowledge of the implacability of the faction he oppoſed, and the ruin which would enſue to himſelf and his party if overcome by the King, yet, from the motives already ſpecified, notwithſtanding all the encouragement the parliament gave him, he could never be brought to act otherwiſe than upon the defenſive; and, by playing often into the hands of the enemy, had very near loſt the whole game. In the abſurd and miſchievous conduct of Eſſex is diſcoverable the venom which lies in political diſtinctions; that an individual thus invidiouſly adorned is more or leſs, according to the ſtrength of his ſelfiſh affections, detached from the true intereſts of ſociety; and that Ann. 1646.

* Anthony Wood hints this in vol. II. p. 94, of his Hiſtory of Oxford Writers; and, in p. 93, exclaims, "Happy had it been, in all probability not leſs for King Charles than this earl, had either his ladies found fewer or he more friends at court!" Clarendon ſays; That the wavering politics of Eſſex became fixed on its being repeated to him what the King and queen had formerly ſaid of him, and by freſh intelligence procured from York of what the King then thought of him. *Clar. Hiſt.* vol. I. p. 372.

† The King not only declared Eſſex a traitor, but refuſed to receive the parliament's firſt application for peace, becauſe delivered by his hand.

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depriving him of his office, with the inſults which Ann. 1646.
on his domeſtic misfortunes were flung on him by the court *, rivetted his reſentment; and this, with an ambition which he had early imbibed, of ſhining in a military capacity, induced him to accept of the parliament the honor of heading the army they had raiſed againſt Popiſh and prelatical influence. Eſſex had now paſſed the Rubicon, and was declared a traitor in form †; and though he appears to have had a ſufficient knowledge of the implacability of the faction he oppoſed, and the ruin which would enſue to himſelf and his party if overcome by the King, yet, from the motives already ſpecified, notwithſtanding all the encouragement the parliament gave him, he could never be brought to act otherwiſe than upon the defenſive; and, by playing often into the hands of the enemy, had very near loſt the whole game. In the abſurd and miſchievous conduct of Eſſex is diſcoverable the venom which lies in political diſtinctions; that an individual thus invidiouſly adorned is more or leſs, according to the ſtrength of his ſelfiſh affections, detached from the true intereſts of ſociety; and that

* Anthony Wood hints this in vol. II. p. 94, of his Hiſtory of Oxford Writers; and, in p. 93, exclaims, "Happy had it been, in all probability not leſs for King Charles than this earl, had either his ladies found fewer or he more friends at court!" Clarendon ſays, That the wavering politics of Eſſex became fixed on its being repeated to him what the King and queen had formerly ſaid of him, and by freſh intelligence procured from York of what the King then thought of him. *Clar. Hiſt.* vol. I. p. 372.

† The King not only declared Eſſex a traitor, but refuſed to receive the parliament's firſt application for peace, becauſe delivered by his hand.

Ann. 1646. the virtues of humanity never riſe high enough to combat the temptations of ariſtocratic privilege.

According to the vulgar ſenſe of honor, the earl of Eſſex is by all parties in that article allowed to be very punctilious *. He had a ſerious turn of mind; and the little encouragement he received from the court, with the taſte he had imbibed for martial exerciſes, occaſioned him to avoid that circle of diſſipated folly, and to devote his time to military employment, and ſtudious retirement. He ſerved one campaign in the Palatine, and four in the Dutch ſervice; attended lord Wimbledon in the character of vice-admiral, in the unſucceſsful expedition to Cadiz, in the year 1625; and was appointed to the ſame command in the fleet which Charles fitted out againſt the Dutch, in the year 1635. On the return from theſe expeditions, he immediately repaired to his ſeat of Chartley-Caſtle in Staffordſhire, or to the country retirements of one or other of his neareſt friends and relations; where, in the rural recreations of hunting and hawking, the exhibition of maſks and plays, with the more philoſophical exerciſes of reading and learned converſation, he divided his time till the meeting of parliament, in 1640, called him to an active ſcene of public buſineſs.

The earl of Eſſex was born in the year 1592; received his education at the ſchool of Eton and the

* His conduct, in the important truſt with which he was veſted by his countrymen, is plainly contrary to the juſt principles of honor.

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univerſity of Oxford; at the age of fourteen was ſent Ann. 1646.
to travel for his farther improvement; and returned, at the end of four years, with the reputation of being one of the moſt accompliſhed noblemen of his time. In his early youth he was contracted to the lady Frances Howard; but this match being diſſolved by divorce, he afterwards wedded Mrs. Elizabeth Paulet, daughter to Sir William Paulet, a natural ſon of the marquis of Wincheſter: equally unhappy in this as in his firſt marriage, he had again recourſe to the expedient of divorce *, to get rid of the ſecond yoke he had unadviſedly ſubmitted to; and from this period laid aſide all thoughts of a matrimonial ſtate. He left no ſurviving iſſue; and died of a ſudden and violent illneſs, which he had contracted from having over-heated himſelf in a ſtag-chace, on the fourteenth of September 1646 †.—The Preſbyterian faction, whoſe intereſt in the two houſes was yet powerful and prevalent, paid on this occaſion the higheſt honors to their leader: the Lords and Commons, with a great number of military officers and gentlemen of diſtinction, accompanied him to the grave; and his funeral was, at the charge of the public, celebrated with the higheſt magnificence and expence.

* This ſecond divorce was obtained on the plea of adultery by his wife.

† After he had lain down his commiſſion, he retired in great diſcontent to a ſeat of his in Kent, called Eltham-Houſe; and refuſed with ſcorn the compliment the parliament paid him, in voting him to be made a duke. *Wood's Athenæ Oxonienſis*, vol. II. p. 94.

CHAP. V.

Rancor between the Preſbyterians and Independents.——Mutiny of the army.——Proceedings of the parliament and the army.——The King ſeized by Joice.——Tumults.——The army marches to London.——The two ſpeakers and other members of both houſes withdraw from the parliament, and demand the protection of the army.——The ſeceding members reſume their places in both houſes.——The parliament repeal their proceedings againſt the army.——The army cajole the King.——He refuſes the parliament's propoſitions.——Flies from the army, and takes refuge in the Iſle of Wight.——The King again refuſes the parliament's propoſitions.——Is reſtrained from his former liberty.——Vote of No more addreſſes.——Declaration againſt the King.——Different intrigues of the King.

Ann. 1646. THOUGH mutual animoſity had ſubſiſted between the Preſbyterians and Independents from the firſt period of the latter having formed themſelves into a diſtinct party, yet (a few individuals excepted) they had hitherto acted with a ſeeming cordiality, and with equal vigor againſt the common enemy; but now that the power of their arms had gained a complete conqueſt over the royaliſt faction, that hatred which fear had for ſome time ſuppreſſed ſhewed itſelf with a rancor more virulent than either party had, in the courſe of the war, manifeſted againſt Papiſt or epiſcopalian. The ſelf-denying ordinance was, from its firſt commencement, violated in favor of

Rancor between the Preſbyterians and Independents.

of one or two popular officers, who were of the Independent party *; and when the intentions of this body were anſwered by outing the Preſbyterians from the ſuperior poſts of the army, they had intereſt enough to get it ſo entirely laid aſide, that, in the beginning of the year 1646, within twelve months after the battle of Naſeby, on the iſſuing out writs for ſupplying the place of deceaſed and diſabled members, the officers of the new-modelled army were promiſcuouſly elected with other candidates, and permitted to keep their ſeats in parliament. Notwithſtanding the advantage the party gained by this notorious breach of a law they had been ſo inſtrumental in procuring, yet, according to the Ann. 1646.

* After the new model had taken place, Cromwell received an order from the committee of both kingdoms, procured no doubt by the Independent intereſt, to march beyond Oxford with a body of horſe, and to lay on the farther ſide towards Worceſter, to intercept a convoy going into Oxford, and to keep the King and his train from eſcaping thence. The military ſucceſs which conſtantly attended Cromwell having enabled him in this expedition to perform ſeveral important ſervices, he was prolonged in his command for forty days: Sir Thomas Fairfax deſiring the aſſiſtance of ſo good an officer, on the important occaſion of the Naſeby fight, his command was farther prolonged; and this prolongation was, by the contrivance of the party, repeated till cuſtom had ſo authoriſed the infringement of the ordinance, that he kept both his ſeat and his command without any one offering to move for his vacating the one or the other.—Cromwell was not the only officer on the account of whoſe expected ſervices the ordinance was from the beginning infringed: Brereton, Luke, Price, Middleton, Rainſborough, and others, were permitted to ſerve eighty days longer; and that permiſſion was afterwards prolonged as the ſervice required.

account

Ann. 1646. account of Ludlow and the courſe of parliamentary reſolutions, the Preſbyterians ſtill maintained their ſuperiority in the lower houſe. The leaders of this faction had in a manner divided among them all the lucrative employments the diſtractions of the times produced, and had ſhared ſo largely of the ſpoils of their country, that, whilſt they had been and ſtill were impoſing new burthens on the public, the army, ſince the new model had taken place, was ſhamefully neglected: their continual petitions for the payment of their arrears were diſregarded; and ſince they had now completed their work, and that (according to the opinion of the Preſbyterians) all oppoſition to their government was ſubdued, they talked of reducing the army without giving them any ſatisfaction in their juſt demands; and, notwithſtanding the very eminent ſervices which had been performed by Sir Thomas Fairfax, the continuation of his command was only carried by twelve votes.

Mutiny of the army.

HAD no previous jealouſy been entertained, or difference of opinion ſubſiſted between Independent and Preſbyterian, had the authority of the latter been firmly eſtabliſhed by long cuſtom, they would in all probability have found ſome difficulty in diſbanding a victorious army without pay or proviſion, excepting a ſmall ſhare to be received by ſome regiments, who were to be tranſported to the waſted inhoſpitable country of Ireland; where their maſters the parliament might ſtarve or relieve them at pleaſure. But ſo raſh and precipitate were the meaſures of the Preſbyterians,

byterians, and ſo little did they conceal their deſigns, Ann. 1646.
that it was no ſecret to the Independents, that, under the maſk of public ſervice and of eaſing the country, their enemies were levelling a deadly blow at the party, and that the votes which had paſſed againſt them in the parliament were previous meaſures to a re-modeling the army.—The malice of the Preſbyterians had carried them ſuch a length, as to neglect the paſſing an act of indemnity for the ſoldiery under the command of Sir Thomas Fairfax: ſeveral of the private men were actually under proſecution for ſome unavoidable irregularities which they had committed during the courſe of the war; and when the lower houſe was informed, that theſe gallant troops had prepared a modeſt petition to their general to lay their hardſhips before the parliament *, they paſſed a vote, That the petition tended to introduce mutiny, to put conditions upon the parliament, and to obſtruct the relief of Ireland. Some officers, who it was ſuppoſed had forwarded the buſineſs, were ſent for to anſwer for the attempt, and were threatened to be proceeded againſt as enemies to the ſtate and diſturbers of the public peace †. When the general,

* The articles deſired in this petition were, indemnity for actions as ſoldiers, ſatisfaction for arrears, no preſſing, relief of widows and maimed ſoldiers, and pay till diſbanded. The petitioners aſſured their general, That they would wholly acquieſce in whatſoever he ſhould judge reaſonable to offer, or the houſe to grant, in their behalf.

† On the previous information by one of their members, colonel Harley, that a buſineſs of this nature was carrying on in the army, the houſe took the alarm: it was moved, That ſuch petitioners ſhould be declared traitors: the ſenſe of the majority was, That they ſhould be re-

Ann. 1646. by the command of the Commons, publiſhed at the head of each regiment a declaration containing the ſenſe of their votes, it occaſioned an univerſal murmur: the ſoldiers, it was ſaid, by having fought for and ſecured the liberties of their country, were themſelves deprived of the privileges of Engliſhmen; and whilſt petitions were promoted and openly encouraged againſt the army *, they were, by a partial exertion of authority, prevented from uttering their complaints and ſetting forth their grievances.

Proceedings of the parliament and the army.

ON the news that the diſcontent of their troops, which the parliament had at firſt flattered themſelves

required to forbear the proſecution of the intended petition; but, afrte tedious debating and high altercation, when the greater number of members, wearied with long ſitting, were withdrawn, Denzil Hollis (a ſelfiſh intemperate man, a limb of the ariſtocracy, a member of conſequence with the Preſbyterian party, who ranked in the liſt of thoſe whom the parliament had appointed for peerages on an accommodation with the King, and who, impatient to receive the wages of his ſervices, had, in the employment of commiſſioner in one of the treaties for peace, caballed with the King at Oxford) now taking the opportunity of a thin houſe, procured the paſſing a reſolution, which he drew up on his knees, declaring the petition ſeditious; that thoſe were traitors who ſhould endeavor to promote it; and a promiſe of pardon to all who were concerned therein, on condition that they did deſiſt by the time limited.

Five regiments of horſe had petitioned the parliament on the ſubject of their grievances, with an offer to inliſt into the Iriſh ſervice: they received a civil anſwer from both houſes, but no redreſs. *Parl. Hiſt.* vol. XV. p. 338, *& ſeq.* *Ludlow.*

* The Preſbyterian party in the houſe had ſet their emiſſaries to work, to procure petitions from the city, from Eſſex, and from the adjacent counties to London, for the ſpeedy diſbanding the army.

was

was partial and would be tranſitory, was become general Ann. 1646.
and confirmed, they thought fit to appoint commiſſioners *, both to endeavor to appeaſe them, and to make them propoſals for entering into the ſervice of Ireland †. Lieutenant-general Hammond, colonel Lambert, colonel Rich, colonel Lilborne, and colonel Hewſon, were appointed by the officers of the army to repreſent their ſenſe to the commiſſioners. In the name of the whole body, they demanded what ſatisfaction was intended on the articles of arrears, indemnity, maintenance in Ireland, and conduct? and when it was replied, That the parliament had taken care of all theſe, excepting the point of indemnity, for which an ordinance would be ready in a few days, it was farther demanded, Who were the generals the parliament had nominated to command? On being informed, That Skippon and Maſſey ‡ were the appointed commanders, the committee propoſed

* The earl of Warwick, lord Dacres, Sir William Waller, lieutenant-general Maſſey, and Sir John Clotworthy.

† The parliament's propoſals were, That thoſe ſoldiers who inliſted on the Iriſh ſervice ſhould have the ſame pay as they now enjoyed under Sir Thomas Fairfax: and whereas the officers had had the public faith for their half-pay, thoſe who went for Ireland ſhould have it in rebels lands; that the foot who went for Ireland ſhould have coats and knapſacks allowed them above their pay; that the forces who went for Ireland ſhould have debentures made up in their abſence, for their arrears in the ſervice in England; that what was reſpited upon the public faith to the officers employed for Ireland, the ſame ſhould be paid them out of the land in Ireland, as if they had adventured. *Ruſhworth*, vol. VI. p. 454, *& ſeq.*

‡ Maſſey had been lain aſide on the new-modelling the army, and was become a furious partizan for Preſbyterian government.

Ann. 1647. that the troops might be indulged with all their general officers: on this motion the whole aſſembly cried out, "All, all;" and others, "Fairfax and Cromwell, and we all go." Such a propoſition did not anſwer the intention of parliament to break and diſunite the Independent intereſt; and the commiſſioners finding they could make no impreſſion on the military when aſſembled, declared, That as many of the officers as would engage for the Iriſh ſervice ſhould receive farther ſatisfaction, on their repairing to their lodgings. This motion, which was regarded as a deſign to divide and weaken the army, gave great offence: the town ſuddenly emptied, and the parliament had the mortification to hear, that not above a dozen officers had accepted their conditions. As the parliament had affected to regard the general diſcontent of the army as a ſeditious combination of their officers, and that the common ſoldiers had been in a manner forced to ſubſcribe to the offenſive petition, a vindication was preſented in behalf of this body, in which they exculpated themſelves from that ſcandal *, and aſſerted their right of petitioning:

* Lieutenant-general Hammond, colonel Hammond, with lieutenant-colonel Pride, and others, had been ſent for on this occaſion; but when the ſpeaker taxed Pride with having read the petition at the head of colonel Harley's regiment, and that there were threatening words given out, that thoſe who did not ſubſcribe ſhould be caſhiered the army, Pride denied the charge. Hollis, an adverſary, and a paſſionate memorialiſt, calls his anſwer "mere illuſion and equivocation;" that he denied having read the charge at the head of the regiment, becauſe it had been done at the head of each company apart: "Notwithſtanding, ſays Hollis, the houſe, willing to bury what was paſt, and hoping it would have gained them to a better obedience for the future, ſent them down again, rather with reſpect than otherwiſe, acquieſcing with their denial. But this very act of clemency was turned againſt them; and when the army came afterwards to do their work barefaced, no longer to excuſe but juſtify that petition, nay make the parliament criminal for queſtioning it, they upbraided the houſe with ſending up for the officers from their charge, when they had nothing to ſay againſt them." *Hollis's Memoirs.*

"We know not any thing, ſaid the Vindication, more Ann. 1647.
eſſential to freedom than this privilege. You have not denied it to your adverſaries; you juſtified and commended it in your declaration of the ſecond of November 1642, in theſe words: "It is the liberty and privilege of the people to petition unto us for the eaſe and redreſs of their grievances and oppreſſions, and we are bound in duty to receive their petitions." We hope, by being ſoldiers, we have not loſt the capacity of ſubjects, nor diveſted ourſelves thereby of our intereſts in the commonwealth; that in purchaſing the freedom of our brethren, we have not forfeited our own. Beſides, we can inſtance petitions from officers in the earl of Eſſex's and Sir William Waller's armies, even whilſt they were in arms, which were well received by this honorable houſe, with a return of thanks; and therefore we hope we ſhall not be conſidered as men without the pale of the kingdom, excluded from the fundamental privileges of ſubjects; eſpecially ſince we are conſcious to ourſelves of nothing which may deſerve the ſame. —We have not till now appeared in petitioning, though our neceſſities have been frequent and urgent; not that we doubted our liberty, but becauſe we were unwilling to interrupt you in your other weighty affairs.—For our deſires of indemnity for ſuch actions

Ann. 1647. as (being not warrantable by law in time of peace) we were enforced unto by the neceſſity and exigence of the war, we are confident this honorable houſe will approve of it, when you ſhall be informed that the ſoldiers are frequently indicted at aſſizes and ſeſſions, and others grievouſly moleſted for ſuch actions; and that notwithſtanding the proviſion you lately made againſt it, divers have had verdicts paſſed againſt them this laſt aſſizes, for actions done as ſoldiers, as we are credibly informed. If this be practiſed during the time of your ſeſſion, for what we did through the exigence of your ſervice, what cruel and violent proceedings are we to find after you are pleaſed to diſſolve?—For the particular intimation that the royal aſſent may be deſired, we never intended by it to leſſen your authority. You have, by offering the propoſitions, judged the deſiring the King's aſſent convenient; the city of London made the ſame deſire without offence; and as to your orders to the judges, we know not how effectual they may prove to ſave us from ſuch proceedings after your ſeſſions *. All theſe reaſons conſidered, will, we hope, manifeſt our intentions in that intimation to be only a provident caution for our future ſafety, without the leaſt thought of diſreſpect to your authority.—For the deſire of our arrears, neceſſity, eſpecially of our ſoldiers, enforced us thereunto: that we have not been mercenary, or propoſed

* The parliament had as yet done no more in ſatisfying the juſt demands of the ſoldiers on the point of indemnity, than the inſtructing the judges not to receive any indictments againſt them for offences, *tempore et loco belli.*

gain

gain as our end, the ſpeedy ending of a languiſhing war will teſtify for us; whereby the people are much eaſed of their taxes and daily diſburſements, and decayed trade reſtored to a full and flouriſhing condition in all quarters. We left our eſtates, and many of us our trades and callings, to others, and forſook the contentments of a quiet life, not fearing or regarding the difficulties of war, for your ſakes. After theſe ſervices we hoped that the deſires of our hardly-earned wages, by the mediation of our general, would have been no unwelcome requeſt, nor argued us guilty of the leaſt diſcontent, or intention of mutiny.—We know not any thing farther in our petition which hath been excepted againſt, but your apprehenſions that it tendeth to hinder the relief of Ireland, which we do not underſtand wherein; having always manifeſted, in all our actions, our readineſs to farther that work; unleſs you mean by that deſire, that thoſe who have ſerved voluntarily ſhould not be preſſed to go out of the kingdom; to which we humbly offer this, that thoſe who have voluntarily ſerved in theſe wars, and left their parents, trades, and livelihoods, and, without any compulſion, engaged of their own accord, ſhould, after all their free and unwearied labors, be forced and compelled to go out of this kingdom, whoſe peace they have ſo much endeavored with unwearied pains, hoping thereby to have lived and enjoyed the fruits of their labors, would to them ſeem very hard: but beſides this, our ſeveral votes and engagements, March 21, to endeavor the ſervice of Ireland what we could, will clear us, and prove our good affections in pro-

Ann. 1647.

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Ann. 1647. moting that work; and therefore we hope what hath been ſaid will remove all ſcruples, and reſtore us to the good opinion of this honorable houſe: in aſſurance whereof, and in conſideration of the premiſes, we are farther emboldened to make theſe our requeſts: 1. That you will be pleaſed to allow us our liberty of petitioning in what may concern us now as ſoldiers, and afterwards as members of the commonwealth. 2. Since upon the falſe ſuggeſtions of ſome men, informing you that this army intended to enſlave the kingdom, the honorable houſe was ſo far prevailed withal as to ſummon divers of us to appear at your bar, and to paſs a declaration, thereby expreſſing your high diſlike of our petition, declaring it tended to put conditions upon the parliament; the ſenſe of ſuch expreſſions is ſo irkſome to us, who have ventured whatſoever we eſteemed dear to us in this world for preſervation of your freedom and privileges, that we cannot but earneſtly implore your juſtice in the vindication of us, as in your wiſdom you ſhall think fit."

THIS ſtinging vindication was immediately followed by a letter, preſented and recommended to the conſideration of the houſe by major-general Skippon, in the behalf of eight regiments of horſe; wherein were expreſſed reaſons why they could not engage in the ſervice of Ireland under the preſent conduct, and which complained of the many ſcandalous and falſe ſuggeſtions lately raiſed againſt the army, whereupon they had been declared enemies to the public: That they ſaw deſigns were upon them, and many of the godly

godly party in the kingdom: That there was an in- Ann. 1647.
tention to diſband and new-model the army; a plot contrived by ſome men who had lately taſted of ſovereignty, and, being lifted up above the ordinary ſphere of ſervants, endeavored to become maſters, and were degenerated into tyrants. The letter declared, That thoſe regiments would neither be employed for the ſervice of Ireland, nor ſuffer themſelves to be diſbanded, till their deſires were granted, and the rights and liberties of the ſubject vindicated and maintained. On reading the letter, ſome of the moſt courageous of the Preſbyterian members moved, that the meſſengers might be committed to the Tower; but were anſwered by one of the oppoſite faction, That he would have them committed indeed, Hollis's Memoirs.
but it ſhould be to the beſt inn in the town, and good ſack and ſugar provided them *. A long debate enſued, in which the Independents ſo far moderated the rage of the adverſary, that the houſe forbore other cenſure than the reſolving, That it did not belong to the ſoldiery to meddle with civil affairs, nor Journals of Commons, April 30.
to prepare or preſent any petition to the parliament without the advice or conſent of their general. They alſo paſſed ſeveral appeaſing votes; and Skippon, Cromwell, Ireton, and Fleetwood, all favorite commanders with the army, were commiſſioned to go down and acquaint that body, That the houſe had appointed an ordinance to be ſuddenly brought in, for the indemnity of all who had acted in obedience to the authority of parliament; that the houſe had

* Mr. Warmouth, burgeſs for Newcaſtle. *Hollis's Memoirs.*

farther

Ann. 1647. farther reſolved, That a conſiderable proportion of their arrears ſhould be paid them on their diſbanding; that they would take care, that the remainder ſhould be paid at ſuch convenient time as ſhould ſtand with the neceſſities and other great occaſions of the kingdom; and that, in the mean while, courſe ſhould be taken for the auditing their accounts, and giving them debentures.

HAD ſuch candid, juſt, and lenient meaſures been at firſt adopted, without any irritating circumſtances, it would in all likelihood have preſerved the obedience and allayed the jealouſy of the army, till the Preſbyterians had found a convenient opportunity to break and diſunite them; but at the time and in the manner in which theſe reſolutions paſſed, it ſerved rather to ſhew the timidity than the juſtice or clemency of the party. The parliament's commiſſioners, on a meeting with the officers of the army, produced the reſolutions which the Commons had paſſed in their favor; but as it was expreſſed in theſe reſolutions, That the commiſſioners ſhould endeavor to allay the diſtempers of the army, the officers declared they knew nothing of diſtempers, but a great deal of grievances; grievances which they could not take upon them to repreſent, without collecting the ſenſe of the private men in the army. This obſervation was followed by a propoſition, which had been at firſt ſuggeſted and was immediately conſented to by the commiſſioners; men who were, in effect, the concealed promoters of the diſcontent, and the authors of all the meaſures which the army had hitherto

therto purſued. Hollis, in his Memoirs, ſays, That whether it was fate or deſign which occaſioned their nomination to the employment, it proved the ruin of the Preſbyterian party, whom the rank hypocriſy of Cromwell had drawn into the ſnare *. Ann. 1647.

To carry on a regular plan of oppoſition, a military parliament was, according to the fore-mentioned propoſition, eſtabliſhed: the principal officers formed

* At every intelligence of the diſorderly proceedings of the army, he appeared moved to an higher pitch of grief and anger than any other member in the houſe; he lamented with tears and ſeeming agonies of ſorrow the continued misfortunes of the country; and at once to convince the houſe that he was not engaged in the factions of the military, and to drive things to the deſired criſis, he adviſed violent meaſures to ſuppreſs the growing mutiny; he called God to witneſs, that his devoted attachment to the parliament had rendered him ſo odious to the army that his life, whilſt among them, was in the utmoſt danger; and that he had very narrowly eſcaped a conſpiracy formed to aſſaſſinate him. Though this rank and ſtale hypocriſy deceived the vulgar, yet Hollis and the men of penetration of the Preſbyterian party ſaw clearly through the diſſimulation of Cromwell; and having procured certain intelligence, that the moſt active of the mutineers were either his creatures or in cloſe connection with him, it was reſolved among the leaders, That the next day, when he ſhould come to the houſe, an accuſation ſhould be entered againſt him, and he ſhould be committed to the Tower. Cromwell was informed of the deſign, and inſtantly haſtened to the camp; from whence he wrote word to the lower houſe, That having received notice the jealouſy the troops had conceived of him was much abated, and that if he was preſent quickly with them, they would in a ſhort time be reclaimed, he had made all the haſte he could, and did perceive the ſoldiers had been abuſed by miſinformation. The leaders finding that Cromwell had eſcaped them, forbore the accuſation; 'being not willing, ſays Ludlow, to ſhew their teeth when they could do no more." *Ludlow*, p. 74. *Clar. Hiſt.* vol. III. p. 35, *&c. ſeq.*

Ann. 1647. a council after the model of the houſe of Peers; whilſt the more general repreſentative of the army was compoſed by the election of two private men or inferior officers, under the title of Agitators, from each troop or company. This court, when aſſembled, voted the offers of the parliament unſatisfactory: Eight weeks pay, they ſaid, was a ſmall portion of fifty-ſix, which was in arrears; that no viſible ſecurity was given for the remainder; and the army having been declared enemies by the Commons, they might hereafter be proſecuted as ſuch, unleſs the declaration was recalled.

WHILST matters were proceeding this length in the army, the Preſbyterians were triumphing over the Independents in the capital. A petition of this body, with the following addreſs, "To the right honorable and ſupreme authority of this nation, the Commons in parliament aſſembled," and intitled, "The humble Petition of many Thouſands, earneſtly deſiring the Glory of God, the Freedom of the Commonwealth, and the Peace of all Men," was, by a majority of ninety-ſix againſt ſeventy-eight, voted to be burnt by the hands of the hangman; and one of the petitioners was committed to Newgate for what was termed by the party "inſolent behavior." The purport of the petition is not to be met with in the collections of the times; but that which gave the great offence to the Preſbyterians, who were as tenacious of their civil as their religious prejudices, was the ſtyling the Commons "the ſupreme authority of the nation."

ON

ON the report of the growing diſſatisfactions of Ann. 1647.
the army, and the encouragement which Cromwell on his return gave them, that the greater part of this body would return to their duty on a proper exertion of authority, the parliament voted, That all the troops who would not engage for Ireland, or were not wanted in England, ſhould inſtantly be diſbanded in their quarters. This was an open defiance to the power and pretenſions of the army, and the Rubicon at which it muſt either ſtop and ſubmit to the civil authority, or paſs over to a ſtate of deſperation. The prime movers of the mutiny were too well acquainted with the ſpirit and temper of the ſoldiery to fear an abſolute ſubmiſſion to imperious and tyrannical commands; and it was on theſe grounds that Cromwell had urged the Preſbyterians to a conduct which muſt involve both parties in the neceſſity of an immediate trial of ſtrength. On the twenty-fifth of May it was voted, That eleven regiments of foot ſhould be diſbanded *; but as the parliament, to ſeparate the army, had ordered them to be diſbanded at different times and places, ſo the council of war, on the pretence of avoiding tumultuous actions in the different parts of the army, as they lay diſperſed, adviſed the drawing the quarters nearer together, for the convenience of a general rendezvous; a meaſure which they recommended to the general, for the diſcovery of the true diſtemper and diſpoſition of the army; requeſting at the ſame

* Six regiments of horſe, with ſome regiments of foot, who were commanded by officers in the Preſbyterian intereſt, were kept up for the defence of England.

Ann. 1647. time, That he would move the parliament to reſume the conſideration of their grievances, with their laſt votes for the diſbanding, and to ſuſpend any preſent proceedings thereon. The reſults of this council, tranſmitted by Fairfax to the parliament, accompanied with an entreaty that they would proceed with caution, and not incenſe the army to a breach which would endanger the new-acquired peace of the Commonwealth, ſo intimidated the Preſbyterian party in parliament, that they voted, That the common ſoldiers of Sir Thomas Fairfax's army, both horſe and foot, ſhould have their full pay upon diſbanding or engaging for Ireland; and acquieſced in a motion of the Independents, that the declaration againſt the army's petitioning, drawn up by Hollis on the twenty-ninth of March, ſhould be expunged from their Journals *. —Fairfax's letter to the parliament was followed by another from the commiſſioners they had ſent to aſſiſt the general in the buſineſs of diſbanding, and to give the ſoldiers the thanks of both houſes for their faithful ſervices. On their repreſentation, That it was impoſſible to attempt diſbanding the army in its preſent diſpoſition, they were recalled; and the parliament was obliged to ſubmit to the inſult of being plundered of part of the money they had ſent down to pay the ſoldiers †. After this declared oppoſition to the civil authority, there was no receding on the ſide of the army; and the dangerous conteſt

* This was carried by a majority of ninety-ſix againſt ſeventy-nine.

† Three thouſand five hundred pounds were ſtopped at Woodſtock by the regiment under colonel Rainſborough.

in

in which Preſbyterian and Independent were now engaged, gave an importance to the King and his vanquiſhed party which they had little reaſon to expect. Ann. 1647.

The King ſeized by Joice.

WHILST the crafty policy of the Preſbyterians led them to diſſemble their rage, to allay the jealouſy and ferment their unguarded meaſures had occaſioned, and to wait a fitter opportunity for the execution of their deſigns, the bold intrepid ſpirit of the Independents ſtruck a ſtroke which at once decided the victory in their favor. On the third of June, whilſt the King was diverting himſelf in a bowling-green near Holdenby, the commiſſioners attending him received intelligence, that a party of horſe were advancing to that houſe. The King haſtily left off his diverſion, and returned to the place of his captivity, where the guards which were uſually placed about him were doubled. Two hours after midnight came that party of horſe whoſe motions had been diſcovered, and in good order drew up before Holdenby-Houſe. The attending officers, major-general Browne and colonel Graves, aſked the commander his name and buſineſs? He replied, his name was Joice, a cornet in colonel Whaley's regiment, and his buſineſs was to ſpeak with the King. "From whom," ſaid the officers? "From myſelf," replied Joice. This unexpected anſwer occaſioning the officers to ſmile, the cornet told them, it was no laughing matter; and on their adviſing him to draw off his men, and in the morning he ſhould ſpeak to the commiſſioners, he bluntly anſwered, That he did not come there to be adviſed by them, nor had he any buſineſs with the com-

Herbert's Memoirs.

Ann. 1647. commiſſioners; that his errand was to the King, and ſpeak with him he muſt and would preſently. The commanding officers of the King's guard directed their men, who in numbers over-matched the ſmall party attending Joice, to ſtand to their arms, and be ready to fire when ordered; but inſtead of preparing for reſiſtance, they opened the gates to their fellow-ſoldiers, ſhook them by the hands, and bid them welcome *.—Joice, on obtaining entrance, ordered centinels to be ſet at the commiſſioners chamber-doors, and then made his way up the back ſtairs to the royal antichamber, where he found ſome interruption from the King's four grooms †; who, on aſking him if he had the commiſſioners approbation for his intruſion, were anſwered No; that the cornet had ordered a guard to be ſet at their chamber-doors; and that his inſtructions were from thoſe who feared them not. On the King's peremptorily refuſing to riſe and ſpeak with Joice, he had the complacency to deſiſt from his importunity till morning; when, on the King's aſking for a ſight of his inſtructions, he ſhewed him his company, to the number of fifty tall handſome men, well mounted and armed ‡, drawn up in the inner court of the houſe, and ſaid thoſe were his inſtructions: "They are, returned the King, in fair characters, legible without ſpelling." Notwithſtanding the continued importunity of Joice, the King, who feared ſome violence was intended him, refuſed to ſtir unleſs the parliament's commiſſioners were permitted to go along with him. This requeſt was complied with; and the whole company, conducted and guarded by Joice and his party, ſet forward to the main quarters of the army, who were drawing together to a general rendezvous at Triploe-heath, near Cambridge. —At Childerſley, an houſe of Sir John Cutts, within four miles of Cambridge, Sir Thomas Fairfax and all the general officers came to pay their compliments to the King. Sir Thomas Fairfax not only diſavowed having given any order or approbation thereto, but having any knowledge of Joice's enterprize, and earneſtly entreated the King to return back to Holdenby with the parliament's commiſſioners; to which place, he ſaid, he would order him to be re-conducted with a ſtrong guard. The King, who had ſoon found that there was no danger of aſſaſſination, was ſo taken with the cajolement of the army, that he refuſed the general's offer *; though, being well acquainted with the temper of his troops, he had uſed many arguments to perſuade him to return to the cuſtody of the parliament †.

* Whilſt the ſoldiers were converſing together, colonel Graves, an officer ſtrongly in the Preſbyterian intereſt, and who in conſequence was very diſagreeable to the army, of whom it had been ſuggeſted that he was engaged in a plot to convey the King to London, got off, and eſcaped the ſearch immediately made for him.

† Maxwell, Mawle, Harrington, and Herbert.

‡ They were a ſelect detachment; moſt of them were ſubaltern officers, picked from ſeveral regiments.

* Joice contrived to get ſo ſoon into the King's favor, that though he was met by colonel Whaley, who had been ſent by Fairfax to re-conduct him to Holdenby, when he was yet but two or three miles on his way to Cambridge, he poſitively refuſed to return. *Fairfax's Memoirs.*

† Sir Thomas Fairfax tells us, That on his taking leave of the King, his majeſty ſaid, "Sir, I have as good intereſt in the army as you;"

Ann. 1647. THE Independents had pleaded their natural and their Chriſtian rights, in oppoſition to that authority which the Preſbyterians, on the conqueſt of the King, had imagined they had ſecured to themſelves. Theſe were pretenſions in no exigence to be yielded to; and ſuch was the rancor of Preſbyterian againſt Independent, that, rather than condeſcend to partake of the bleſſings of General and Equal Liberty with this hated rival, they were ready to unite with their inveterate and now-enraged enemies, the cavalier faction. The virulence of this party againſt men to whoſe heroic exertions they owed their preſent ſecurity and ſplendor, with its fatal conſequences, was known and felt by the army: a better underſtanding than uſual they had obſerved to exiſt between the King and the parliament; and ſome offers which he had lately ſent, as a ground for reconciliation, had had a viſible effect in both houſes *. All the Inde-

you;" "at which, writes Fairfax, I plainly ſaw the broken reed he leaned on. The agitators could change into that color which ſerved beſt their ends, and had brought the King into the opinion that the army was for him."

* Theſe offers of the King were, to confirm the Preſbyterian government, with the Directory, for three years, with an exception for himſelf and his houſhold; the matter to be afterwards determined by the aſſembly of divines at Weſtminſter, with an addition of twenty of the King's nomination: He aſſented to all the parliament's propoſitions againſt Papiſts, and to the due obſervation of the Lord's day: He offered to part with the militia for ten years, to give ſatisfaction on the buſineſs of Ireland, to paſs an act of oblivion without exceptions, and to confirm the acts of the new great-ſeal, provided he was not obliged to make void thoſe which had been paſſed under the old one: He would confirm, as deſired, the privileges of the city of London, and gratify his parliament in making void the grants paſſed under the great-ſeal of Ireland ſince the ceſſation, as far as he poſſibly could, without deſtroying thoſe alterations which were neceſſary to the crown. The hopes the parliament had conceived from theſe propoſitions, of the preſent pacific diſpoſition of the King and his party, were ſoon overthrown by the following letter from Mr. Aſhburnham, which had fallen into their commiſſioners hands: "May it pleaſe your majeſty, as 173 hath written to you lately by perſons at large, this is in ſhort to tell your majeſty, that my ſoul is ſorrowful to death for your afflictions; and 389 doth confeſs that weight to be greater than mankind can ſuffer, unleſs your majeſty look ſtedfaſtly upon religion and honor. Yet be not diſcouraged, for, if you continue conſtant to your principles, you will yet overcome all, and in all probability you will ſee a good war for your recovery. 389 hath perfected his negociation with prince William, and if the peace between Spain and the States be declared, which is confidently ſaid here, he will certainly land a gallant army for your relief; and 389 hopes you ſhall have the Iriſh army and this meet ſucceſsfully: therefore, as you tender the good of you and yours, be conſtant to your grounds. If your majeſty make laws to ſtrengthen their uſurped power, or part with the church-lands, there can be no hopes to reſtore you, and your poſterity will be for ever loſt. All that I, or any of your faithful ſervants can ſay to you is, to beg conſtantly for you, that God would fortify your reſolutions, and enable you to go through your unheard-of trials with piety and reputation."

This letter was written in cypher: the Lords had declared, on receiving the King's propoſitions, that he ſhould be immediately removed to Oatlands. This queſtion the Preſbyterians did not carry in the Commons' houſe; and before the matter of the King's propoſitions was duly conſidered in either houſe, his majeſty was ſeized by the army, which for ſome time put a ſtop to the debates on the ſubject. *Parl. Hiſt.* vol. XV. p. 376.

pendents had been turned out of the command both of the civil and military offices in the city, and Preſbyterians put in their places. This had produced ſeveral addreſſes from the capital againſt the army; and ſhould the city, the parliament, with the ſoldiers who had ſerved under Preſbyterian generals, declare Ann. 1647.

Ann. 1647. for the King, and thus acquire the aſſiſtance of the royaliſts, a hazardous conteſt muſt enſue; or the army, with every Independent who had joined in their meaſures, ſubmit not only to loſe the fruit of their glorious labors, but to incur the cenſure of the law, and be proſecuted as traitors. Such were the fears and ſuch the ſituation of the party, when the bold and fortunate adventure of Joice gave a ſudden turn to affairs, and ſhifted the danger on the ſide of the adverſary.

GREAT was the panic of the parliament, when they received intelligence that the King was in the hands of the army: an expreſs was ſent to the earl of Northumberland for bringing the King's children out of the country to St. James's; an ordinance was paſſed for a full indemnity for all actions done by the ſoldiers in their military capacity; commiſſioners were appointed to acquaint the general with the votes which had paſſed both houſes in favor of the ſoldiery, to deſire his aſſiſtance to communicate them to the army, to cauſe them to be read at the head of every regiment, and to improve them to the beſt advantage to the public peace. On a motion of field-marſhal general Skippon, who exhorted the Commons to humble themſelves before God, and to do thoſe things which a zealous and conſcientious army, to whoſe ſervice they were ſo greatly indebted, deſired of
June 4. them *, a meſſage was ſent up to acquaint the Lords, That the members of the lower houſe intended to

* The army, he told them, was a formed body, not to be provoked, which would be upon them before they were aware.

keep

keep the next day for private humiliation and faſt- Ann. 1647.
ing. The Lords acquieſced with the opinion of the Commons; the members of both houſes were ordered to be preſent; and, to prevent any inſult which might enſue from the high ſpirits of the Independents, it was recommended to one of their committees, ſitting at Derby-Houſe, to take into immediate conſideration the beſt ways and means for the ordering and directing the forces within the city of London, lines of communication, Middleſex, Hertfordſhire, and Kent; to ſuppreſs all tumults, mutinies, and diſorderly aſſemblies, to the diſturbance of the parliament, and hindrance of their proceedings in the carrying on the great buſineſs of the kingdom. At the ſame time the lord-mayor and the committee of the city militia were ordered to take care to prevent all tumults and diſorderly coming-down of the people to the two houſes of parliament *. To endeavor to reconcile to themſelves the public opinion, and to take off that odium which their exactions and tyrannies had occaſioned, a ſecond ſelf-denying ordinance was paſſed by the Commons; viz. That no member ſhall receive any profit of any office, grant, or ſequeſtration from the parliament: That the benefit ſuch members have received ſhall be paid for the uſe of the commonwealth to the committee of accounts: That the lands and eſtates of all the members ſhall be liable to the law for the payment of

* A couple of regiments of the train-bands were appointed for a guard to the two houſes.

Ann. 1647. their debts *.—At the ſame time this ordinance paſſed, a day was fixed to hear information againſt members, with a reſolution that no member hereafter ſhould receive reparation for damages or loſſes ſuſtained by theſe troubles, till the public debts were ſatisfied.

WHILST the parliament were thus endeavoring to avoid the threatened ſtorm, by a ſeeming reformation in conduct and government †, Sir Thomas Fairfax (who had ſo little hand in that maſterly ſtroke of the army that he would have proceeded againſt Joice, had he not been ſcreened by the authority of the council of war ‡) was plying them with letters to clear himſelf from the imputation of being concerned in the buſineſs of ſeizing the King's perſon. Not ſo was the conduct of his troops: they avowed and vindicated the fact, aſſerting, That by that undertaking they manifeſted true love to the parliament and their country, in endeavoring to cruſh the project of a ſecond war, by preventing the King from heading an army which, they ſaid, was intended to be raiſed, and which, if effected, would be to the utter undoing of the kingdom. On their aſſembling at a

* The citizens had continually petitioned, though in vain, againſt the unjuſt privileges of the members of parliament in this particular.

† The exciſe of fiſh and fleſh was about this time taken off by the parliament.

‡ The ſeizing the King had been determined on in a meeting of officers at lieutenant-general Cromwell's houſe. *Hollis's Memoirs*, p. 96.

general

general rendezvous, they entered into a ſolemn engagement, That they would not diſband nor divide, nor ſuffer themſelves to be diſbanded nor divided, till they had received full ſatisfaction in relation to the grievances they had heretofore preſented *; and ſuch ſecurity, that when they were diſbanded and in the condition of private men, or other the free-born people of England, to whom the conſequence of their caſe, they ſaid, did equally extend, ſhould not remain ſubject to the like oppreſſion, injury, or abuſe as had been attempted and put upon them; and that themſelves, or others who had appeared to act in their behalf, ſhould not, after their diſbanding, be any way queſtioned, proſecuted, troubled, or prejudiced for any thing ſo acted, or for the entering into a neceſſary proſecution of the preſent agreement. The army farther inſiſted, That a council of war, conſiſting of thoſe general officers, with two commiſſioned officers, and two ſoldiers, who had or ſhould concur with them in the premiſes, ſhould be the judges of the neceſſary ſecurity and ſatisfaction. Ann. 1647.

IMMEDIATELY after ſubſcribing this engagement, the army began their march, and advanced to St. Alban's, within twenty miles of the capital. From this place the general, with the reſt of the chief officers, ſent a letter to the city, in which they com-

* On the queſtion, whether to give any farther anſwer to the particulars in the ſummary of the army? the Preſbyterians had carried the negative but by a ſingle vote. *Parl. Hiſt.* vol. XV. p. 413.

plained,

Ann. 1647. plained, That there were certain members of parliament who endeavored to engage the kingdom in a new war; they diſclaimed the intending any alteration in the civil government, or to hinder the ſettling of Preſbyterianiſm; nor would they moleſt the citizens, if they appeared not to aſſiſt their enemies. Great were the diſtractions of the Londoners on the news of the army's motion: the guards were doubled about the two houſes of parliament *; the city militia were all called out, and ordered to guard that line which had been drawn out to ſecure the city againſt the royaliſts; a body of horſe was appointed to be levied; two regiments, under Pye and Greaves, who had deſerted the army, were called in; and a large number of thoſe officers who had been caſhiered by the new model were taken into the ſervice of the parliament; a declaration was ſet forth to give information to the kingdom what this aſſembly had done in ſatisfaction to the ſoldiery; the ſubject was prohibited, on pain of death, to gather together and aſſemble in companies; and it was voted by both houſes, That the general be required to deliver the King to ſuch perſons as the parliament ſhall appoint, to be placed at Richmond under ſuch guards and in ſuch manner as they ſhall think fit; to the intent that the propoſitions agreed upon by both kingdoms may be ſpeedily preſented to his majeſty, for the ſettling a ſafe and well-grounded peace †: That thoſe

* It was ordered that halberts, half-pikes, and other arms ſhould be brought into the outer rooms, "as if, ſays Whitlock, they expected an immediate ſtorm."

† This queſtion was carried by a majority of one hundred and forty-ſix againſt one hundred and fifteen.

to

to whom the general is required to deliver the per- Ann. 1647.
ſon of the King, to be placed at Richmond, ſhall be the commiſſioners formerly appointed to receive the perſon of the King at Newcaſtle, or to any three of them: That the guards appointed to receive the orders and directions of the commiſſioners, in attending and guarding the perſon of the King, ſhall be colonel Roſſiter and his regiment.

Sir Thomas Fairfax, whoſe religious principles were Preſbyterian, who really wiſhed well to the authority of the parliament, and who was rather driven on by the ſpirit of his ſoldiers than influenced by his own judgment and inclinations, had brought the army to wait the deciſions of the parliament at St. Albans, and to promiſe, that, provided a month's pay was ſent them, they would not advance nearer the capital without firſt acquainting the parliament's commiſſioners; but it was with difficulty he could keep the reſentment of the troops within bounds, on the dilatorineſs of this aſſembly to give them the ſatisfaction they had demanded, on the reports daily brought down from London, of the military preparations making againſt them, and more particularly in endeavoring to ſeparate and divide them, by diſperſing through each regiment a vote of the houſe, That ſuch ſoldiers as ſhould forſake the army ſhould have the benefit of the former votes of both houſes, touching the full pay of the common ſoldiers. In anſwer to a meſſage the parliament had ſent by a new ſet of commiſſioners *, to know what the deſires of the army

* Theſe were the earl of Nottingham, major-general Skippon, and Sir Henry Vane, junior; to theſe was afterwards added the lord Delawar.

Ann. 1647. were, they ſent up a declaration, where, inſtead of quibbling on the terms of law, and the forms and principles of the conſtitution, they aſſerted their cauſe on the rights of nature, the laws of equity, and that rule of reaſon which would teach a body of men to keep their arms in their hands till the purpoſes were fully anſwered for which they took them up *.

lawar. The commiſſioners were afterwards altered to the earl of Nottingham and the lord Wharton.

* " We were not, ſays the declaration, a mere mercenary army, hired to ſerve any arbitrary power of ſtate, but called forth and conjured, by the ſeveral declarations of parliament, to the defence of our own and the peoples' juſt rights and liberties; and ſo we took up arms in judgment and conſcience to thoſe ends, and have ſo continued them; and are reſolved, according to your firſt juſt deſires in your declarations, and ſuch principles as we have received from your frequent informations, and our own common ſenſe, concerning theſe our fundamental rights and liberties, to aſſert and vindicate the juſt power and rights of this kingdom in parliament for thoſe common ends premiſed againſt all arbitrary power, violence, and oppreſſion, and all particular parties and intereſt whatſoever; the ſaid declarations ſtill directing us to the equitable ſenſe of all laws and conſtitutions, as diſpenſing with the very letter of the ſame, and being ſuperior to it when the ſafety and preſervation of all is concerned; and aſſuring us, that all authority is fundamentally ſeated in the office, and but miniſterially in the perſon. —The parliament hath declared it no reſiſtance of magiſtracy, to ſide with the juſt principles of law, nature, and nations, being that law upon which we have aſſiſted you; and that the ſoldiery may lawfully hold the hands of that general who will turn his cannon againſt his army on purpoſe to deſtroy them, the ſeamen the hands of that pilot who wilfully runs the ſhip upon the rock, as our brethren of Scotland argued; and ſuch were the proceedings of our anceſtors of famous memory, to the purchaſing of ſuch rights and liberties as they have enjoyed through the price of their blood; and we, both by that and the later blood of our dear friends and fellow-ſoldiers, with the hazard of our own, do now lay claim unto. Nor is that ſupreme end, the glory

Ann. 1647. THIS declaration, which in ſentiment and language out-did every thing of the kind publiſhed

glory of God, wanting in theſe caſes to ſet a price upon all ſuch proceedings of righteouſneſs and juſtice, it being one witneſs of God in the world to carry on a teſtimony againſt the injuſtice and unrighteouſneſs of men, and againſt the miſcarriages of government when corrupted or declining from their primitive and original glory."

The demands of the army expreſſed in this declaration were, That the houſes ſhould be ſpeedily purged of ſuch as for their delinquency, their abuſe of truſt, and corruptions, ought not to ſit there; that thoſe perſons who had abuſed the parliament and army, and endangered the kingdoms, ſhould ſpeedily be diſabled from doing farther miſchief; that ſome time ſhould be ſet for the continuance of this and future parliaments, and new elections made ſucceſſively, according to the bill for triennial ones; that proviſion ſhould be made, that future parliaments might not be adjournable or diſſolvable at the King's pleaſure, but continue the ſet time; that in the preſent diſtribution of elections, members were very unequal, and the multitude of burgeſſes for decayed or inconſiderable towns, whoſe intereſt in the kingdom did in many not exceed, and in others not equal ordinary villages, did give too much and too evident opportunity for men of power to frame parties in parliament, to ſerve particular intereſts; it was deſired, that ſome proviſion ſhould be made for ſuch diſtribution of future elections as might render the houſe of Commons a more equal repreſentative of the people; that the right of the people to repreſent to the parliament their grievances by petition ſhould be vindicated; that the large powers given to committees of deputy-lieutenants during the war, as did appear not neceſſary to be continued, ſhould be taken away, and ſuch as were neceſſary ſhould be put into a regulated way, and left to as little arbitrarineſs as the nature and neceſſity of the offices would bear; that the parliament would ſatisfy the kingdom in point of account, and other things whereby the commonwealth might be conceived to have been wronged; that the public juſtice having been ſatisfied by ſome few examples of the worſt of the excepted perſons, ſome courſe ſhould be taken, by a general act of oblivion or otherwiſe, whereby the ſeeds of future war might be deſtroyed.

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Ann. 1647. by the parliament, was drawn up by commiſſary-general Ireton *, a man of genius and erudition, a firm republican in principle, of extenſive knowledge and ſound judgment in matters of policy and government, and who, excelling in ſhrewdneſs and underſtanding every individual of his party, was the concealed but ſole director of all the motions of the army. The army ſtyled their declaration a repreſentation concerning the juſt and fundamental rights and liberties of themſelves and the kingdom, and accompanied it with a charge againſt eleven members of the houſe of Commons, the leaders of the Preſbyterian party †, whom they accuſed of being incendiaries between the parliament and the army, the promoters of all the proceedings againſt this body, and the contrivers of plots to involve the kingdom in a new war.

THE reſolution and ſagacity which had marked the conduct of the army, with their ſenſible and ſpirited declarations in favor of the freedom of the common-

election of members to the proportion of rates they bore to the common burthen and charge of the kingdom.

As the powers of the ſeveral committees appointed by the parliament were great, they were conſequently abuſed. Under color of malignancy, the individuals who compoſed theſe courts exerciſed vengeance againſt their private enemies; to the guilty ſold their protection; and, on the peril of undeſerved cenſure, exacted money from the innocent.

* Ireton drew up all the papers publiſhed by the army.

† Denzil Hollis, Sir Philip Stapleton, Sir William Lewis, Sir John Clotworthy, Sir William Waller, Sir John Maynard, major-general Maſſey, Glynn the recorder, colonel Walter Long, colonel Edward Harley, and Anthony Nichols, Eſq.

wealth,

wealth, had gained them ſuch reputation, that whilſt Ann. 1647.
the power of the parliament, except by the faction *, was either hated or deſpiſed, they received addreſſes from all parts of the kingdom, as the only guardians of public liberty †. The city of London was ſo much frighted at their courage and popularity, that they ſent a deputation of aldermen and common-council-men to St. Alban's, diſclaiming any intention to raiſe forces, or to oppoſe the proceedings of the army; and petitioned the Commons to give way to the diſcharging all the forces levied in conſequence of their votes. The Commons, notwithſtanding this diſcouragement, yet retained ſpirit enough to deny the requeſt ‡. By the perſuaſion of their leaders, they ſent a conciliatory meſſage to the King; and though they ſo far condeſcended as to ſend a civil letter to Fairfax, in which they ſignified they had deſiſted

* The Preſbyterians.

† In theſe addreſſes the petitioners deſire, that the army may not be diſbanded till all grievances are redreſſed; complain that their petitions to the parliament were not now, as in former times, either received or anſwered, and in particular their petitions againſt tythes, &c. The Preſbyterian clergy, though they had inveighed againſt the avarice of the epiſcopalians, of their performing their duty for gain inſtead of godlineſs, &c. were for ſecuring to themſelves the ſpoils of the adverſary; and preferred many petitions to the parliament for the ſettlement of tythes, &c. Theſe pretenſions were much diſliked by the laity, who hoped, when the old eccleſiaſtical eſtabliſhment was aboliſhed, to be eaſed of part of the taxes they had paid to the church. The Independent clergy, of whom the army were the patrons, diſclaimed all pretenſions to a ſettled revenue.

‡ It was carried by a majority of ſeventy-ſix againſt ſeventy-two, that the queſtion concerning diſcharging ſhould not be put.

Ann. 1647. from all farther levies, or from ordering up the troops from the diſtant counties, yet they refuſed to proceed on the charge againſt the eleven members, unleſs particulars were ſent up by the accuſers. The army, with the charge againſt theſe offenders, had demanded, that, by an immediate ſuſpenſion from ſitting in the houſe, they ſhould be diſabled from hindering, by their power and influence, the juſt proceedings of that aſſembly. The Commons inſiſted that they could not, conſiſtently with the privilege of parliament and the laws of equity, proceed thus far againſt them on a general charge; but the army, to the great triumph of the royaliſts, pleaded the precedent the parliament had themſelves made in ſeveral caſes *; particularly thoſe of the earl of Straſford, the archbiſhop of Canterbury, and the lord-keeper Finch †.

* In this remonſtrance the army hinted, that the expunging the declaration theſe leaders had adviſed, was more the effect of fear than any good intention the houſe, under its preſent influence, had to the army; and upbraided them with having paſſed a declaration, which they afterwards found neceſſary to expunge without any alteration in its pretended ground. They prefer to the conſideration of the houſe the ſuffering a diſſent on any important queſtion; and profeſs, that though they thought no privilege ought to protect evil men in doing wrong to particulars, or miſchief to the public, yet their regard to the privileges of the parliament had hindered them from ſending up a particular charge againſt the eleven members, till they were ſuſpended from ſitting in the houſe.

† With their compliance in this point, they farther inſiſted, that the declaration inviting men to deſert the army, with a promiſe of their arrears if they did ſo, ſhould be recalled and ſuppreſſed; that the army ſhould be immediately paid up equally to thoſe who had deſerted it; that his majeſty's coming to Richmond ſhould be ſuſpended

As the city, by the tameneſs of their conduct, had Ann. 1647.
ſhewn they were not to be depended on in oppoſition to a victorious army, and as the troops commanded by Preſbyterian officers lay in the north and weſt parts of the kingdom, the moſt judicious men of the party urged the expediency of gaining time by compliance. The parliament gave way to the preſent neceſſity: the king's journey to Richmond was no longer inſiſted on; new commiſſioners, with additional powers, were ſent down to the army, both by the city and parliament: orders were given for diſcharging all the levies which

pened until things were better ſettled and compoſed, and, in the mean time, no place ſhould be appointed for his majeſty's reſidence, that might be any nearer to London than the parliament would allow the quarters of the army to be; that thoſe who have deſerted the army ſhould be inſtantly diſcharged and diſperſed, and receive no more of their arrears till the army was firſt ſatisfied; that both parliament and city ſhould be ſpeedily and effectually freed from thoſe multitudes of reformadoes and other ſoldiers which flocked together about London, and a ſpeedy diſpatch and diſcharging of them from the city; that all ſuch liſtings or raiſings of new forces, or drawing together of any, as was beforementioned, and all preparations towards a new war, may be effectually declared againſt and ſuppreſſed, as alſo all innovations or endeavors to draw in foreign forces; that the preſent perplexed affairs of the kingdom, and thoſe concerning the army, as alſo all the things deſired in the late repreſentation of the army in behalf of the kingdom, ſhould be put into ſome ſpeedy way of ſettlement and compoſure. The army in this uſed the following threat, that they ſhould be enforced by the parliament's affected delays to take extraordinary courſes to put things to a ſpeedy iſſue, unleſs they received aſſurance and ſecurity on the ſpecified articles; and obſerved, that parliamentary privileges, as well as royal prerogatives, may be abuſed by being turned againſt the people; and that, in this caſe, it was as laudable to oppoſe the one as the other.

had

Ann. 1647. had been made in the city by the authority of the houſe of Commons, or the committees of militia; the deſerters who had come in on the invitation and at the earneſt requeſt of the parliament were diſcharged; the troops under Fairfax, now voted the parliament's army, were to be paid up equally with thoſe who had left the ſervice *; the King was to reſide no nearer to the capital than were the quarters of the army; the reformadoes were to remove; and in compliance to a freſh propoſition, all the land forces within the kingdom of England, dominion of Wales, iſles of Guernſey and Jerſey, were to be under the immediate command of Sir Thomas Fairfax, and no officer or private ſoldier was to leave the army, without licence from the general. They revoked the orders they had made for drawing in forces from the adjacent counties, for the bringing in liſts of the names and qualities of ſuch gentlemen and reformado officers as ſhould be willing to engage in their ſervice: they voted the raiſing ſixty thouſand pounds a month, for maintenance of the army and the ſervice of Ireland;

* Notwithſtanding the ſtill continued heavy aſſeſſments, and the large ſums which accrued from the forfeited eſtates and the compoſition for delinquency, the Preſbyterians, to whom all the places of truſt had been in general committed, were ſuch bad managers of the public treaſure, that the parliament was neceſſitated to borrow another hundred thouſand pounds of the city, to be enabled to advance to the army the month's pay which had been promiſed them. The city were ſo backward and refractory on the deſired payment of this loan, that the army were obliged to threaten them, that they would levy it by diſtreſs for the arrears of payment on former loans and aſſeſſments. *Ruſhworth*, vol. VII. p. 789.

ſent

ſent them down conſiderable ſums of money for their preſent ſatisfaction; and, in ſome meaſure to pacify them on the ſubject of the ſuſpenſion, the eleven members were perſuaded to aſk, and were readily granted the leave of the houſe, for abſenting themſelves till the preſent jealouſies were ſubſided. Ann. 1647.

THESE conciliatory meaſures had their effect: the reſentment of the army was to all appearance mitigated; and they were induced by their general to comply with the earneſt deſire, both of the parliament and the city, to remove their quarters to the diſtance of Reading. Cromwell, Ireton, Fleetwood, Harriſon, Sir Hardreſs Waller, Rich, Lambert, Hammond, and Rainſborough, were appointed by the army to treat with the parliament's commiſſioners on terms of accommodation. But whilſt the former complained, that though the parliament ſeemed by their votes to comply with the deſires of the army, yet they delayed to put theſe votes in execution; and that the commencement of the treaty was prolonged by their inſiſting, as a neceſſary preliminary, That the parliament ſhould perform ſome of thoſe things which they had in appearance granted; rumors continually prevailed in the camp, that the adverſe faction in London were making great preparations to overthrow all which had been yielded to in favor of the army; that the liſting of ſoldiers was carrying on in a clandeſtine manner; and that there was a great talk of ſuccors being expected from Scotland. The following ſet of demands were, in conſequence

of

Ann. 1647. of theſe reports, ſent up to the parliament: That a declaration be publiſhed againſt the bringing in foreign forces; that the army be paid up equal to its deſerters, and put into a conſtant courſe of pay; that the committee of the militia of London, which had been changed by an ordinance of the fourth of May laſt, ſhould be reſtored; and the militia of the city ſpeedily returned into thoſe hands who had formerly given large teſtimonies of their fidelity to the parliament and the kingdom. On the receipt of this petition, the parliament declared, That whoſoever ſhould bring in foreign forces, without the conſent of both houſes, ſhould be deemed traitors; and, to convince the army that they intended no other than pacific meaſures, the government of the militia of London was immediately reſtored to the Independents, from whom it had been taken by the forementioned ordinance *.

By this unlimited acquieſcence †, the Preſbyterians hoped to prevent a rupture with the army, and to wait a more favorable opportunity for recovering their power and influence: but this, the only probable chance they had of preſerving any ſhare of

* Pennington, the late lord-mayor, was one of this number.

† The treaty between the parliament and the army was, after theſe reſolutions had paſſed, carried on with great alacrity. The army were very forward in finiſhing their propoſals for ſettling the public peace, and came to a reſolution with the parliament's commiſſioners, for the ſpeedily ſending eight thouſand foot and two thouſand horſe into Ireland. *Parl. Hiſt.* vol. XVI. p. 210.

former

former authority (for the forces under Pointz in the North had impriſoned their general, and had entered into an aſſociation with Sir Thomas Fairfax's army, and many ſoldiers who had engaged to go to Ireland now offered their ſervice to this general), they were totally deprived of by the turbulent impatience of ſome individuals of the party. The eleven accuſed members, who, inſtead of retiring beyond ſea, according to their propoſition to the Commons, till the preſent jealouſies were ſubſided, lay lurking in the city to watch a favorable opportunity to reinſtate themſelves in their office: They did not fail to work on the exaſperated ſpirits of their brethren, who could not forbear to accuſe the parliament of baſeneſs of conduct, nor ſee without the utmoſt regret the condeſcenſions of this aſſembly to the army. A petition, which contradicted ſome of the demands of the army, and deſired a good correſpondence with Scotland might be maintained, was preſented to the parliament by the common-council of London, who were all of the Preſbyterian ſect. An engagement, by which the confederates bound themſelves to endeavor that the King ſhould come to London with honor, ſafety, and freedom, and that without the nearer approach of the army, there to confirm ſuch things as he had granted in his meſſage of the twelfth of May laſt, and that by a perſonal treaty with his two houſes, and the commiſſioners for the kingdom of Scotland, the points which were yet in difference might be ſettled, and a firm peace eſtabliſhed, was entered into by the party in general. In vain did the parliament publiſh a prohibition to ſign it: the Ann. 1647.

Ann. 1647. commotions every hour encreaſed, frequent aſſemblies were held, ſoldiers publicly liſted, and petitions poured into the parliament for the eſtabliſhment of Preſbytery, and againſt ſectaries; and into the common-council *, that the militia might be continued as ſettled by ordinance of the fourth of May. The reſult of theſe petitions was repreſented in another of the common-council to the parliament, wherein they complain, That the houſes had ſhewn them an unuſual neglect, in not taking the ſenſe of the city before they determined on the ſubject of its militia.

Tumults. THE caution of the parliament not ſuffering them to comply with the requeſt of their party, the petitioners grew tumultuouſly importunate; and, on the twenty-ſixth of July, a rabble of apprentices and others went in crowds to Weſtminſter, with a petition, which they preſented to the Commons, That the ordinance of the twenty-third of July, for change of the militia of London, ſhould be immediately repealed; that the city ſhould be vindicated againſt a late pretended declaration, that thoſe are traitors who ſhall act to get ſubſcriptions, and that it ſhall be revoked; and that both houſes ſhould preſently make an order for the calling in abſent members, eſpecially the eleven late accuſed members. The receipt of theſe demands threw the houſe into a ſerious and anxious debate; which taking up more time than

* There were ſeveral petitions of a contrary nature carried up about this time by the Independents. The behavior of theſe petitioners was decent, and the ſtyle of their petitions modeſt.

the

the impatience of the petitioners could bear, they Ann. 1647.
grew outrageous, threw ſtones in at the windows, and almoſt knocked down the door of the houſe *. Both Lords and Commons, finding reſiſtance would be vain, voted, That the ordinance of the twenty-third of July, for ſettling the militia of London, and the declaration of the twenty-fourth, to the ſame intent, ſhould be null and void. The Commons adjourned till the next day; but the ſpeaker and the greater part of the members were conſtrained by the mob to reſume their places, and to vote that the King ſhould come to London.

The army march to London. WHEN the intelligence of this tumult reached the camp, the army were immediately put into motion, and advanced with ſpeed to the capital, to chaſtiſe (as they ſaid) the ſeditious rabble, to vindicate the invaded privileges of parliament, and to reſtore that aſſembly to its juſt freedom of debate and council. On Hounſlow-Heath, where they were drawn up to the number of twenty thouſand ſtrong, they were met by the ſpeakers of the two houſes in their formalities, with nineteen peers † and one hundred

The two ſpeakers and other members of both houſes withdraw from the

* Whitlock ſays, That apprentices and others of the common ſort came into the houſe of Commons with their hats on, kept the door open, and called out as they ſtood, "Vote, vote," ſtanding in this manner till the votes had paſſed for repealing the ordinance for changing the militia, and the declaration of both houſes of the twenty-fourth. This petition was ſtyled, "The humble Deſires of the Citizens, Commanders, &c."

† The earls of Northumberland, Kent, Rutland, Sarum, Warwick, Denbigh, Mulgrave, and Stamford; the viſcounts Hereford and Say and Seal; the lords Delawar, Dacres, North, Grey, Roberts, Maynard, Howard, Herbert, and Bruce.

Ann. 1647. parliament, and demand the protection of the army.

Commoners *, who having ſecretly retired from the diſtracted city, applied to the army for defence and protection againſt the violence of the multitude. This favorable event, which gave a legal coloring to their proceedings, crowned the ſucceſſes of the army. They rent the air with the ſhouts and acclamations with which they received the petitioners, and the ſame reſpect was paid them as due to the full parliament of England.

On the thirtieth of July, when the two houſes met after a ſhort adjournment, to their great ſurprize they miſſed both their ſpeakers: they were inſtantly enquired after; and when theſe aſſemblies were informed, that they had been ſeen going out of town in the road to the camp, accompanied with ſeveral of the Peers and Commons, they proceeded to vote the lord Grey for the ſpeaker of the upper houſe, and Mr. Henry Pelham for the lower houſe. The eleven accuſed members, by a vote of the houſe, reſumed their ſeats among the Commons; and as, by the fore-mentioned deſertion, both houſes were pretty well thinned of the Independent party, they reſolved, with little contradiction, that the king ſhould come to his parliament with honor, freedom, and ſafety †; that the

* At the rendezvous of the army on Hounſlow-Heath, the prince elector palatine paid the general a viſit.

† A vote afterwards paſſed, that the place the King be deſired to come to ſhould be London; and his children, in the abſence of the earl of Northumberland, were removed into the city, and committed to the care of the lord-mayor and ſheriffs.

order

order of the twentieth, for putting all the land-forces in the pay of the parliament under the command of Sir Thomas Fairfax, did not extend to give him any power over the train-bands or garriſons; that the committee of ſafety † ſhould grant commiſſions to all ſuch commanders of horſe, foot, and dragoons, as they ſhould think fit for the ſervice and ſafety of the King, kingdom, parliament, and city; that the commanders of the city-militia ſhould be enabled to puniſh ſuch as did not repair to their colors; and that the maſter, wardens, and aſſiſtants of the Trinity-houſe ſhould arm all the mariners and ſeamen they could get. The committee made choice of major-general Maſſey to command in chief; and paſſed an order, that all reformadoes and other officers ſhould the next day make their appearance in St. James's field, there to be liſted, and the forces already liſted to be formed into regiments. Ann. 1647.

Whilst the Preſbyterians were enjoying a ſhort-lived triumph in the capital, the army drew nearer and nearer; and the inhabitants of Southwark (who, having petitioned to be put under a ſeparate command, had been aſſaulted, and ſeveral of them wounded and killed by Maſſey § and his company)

† This committee of ſafety was appointed on the occaſion, and compoſed of the eleven impeached members, and others as zealouſly affected to the cauſe. Sir William Waller, and Pointz, who had now got out of his impriſonment, were employed as commanding officers of theſe new levies. *Remonſtrance of the Army.*

§ Petitioners who at the ſame time carried up a petition that means might be uſed for a compoſure, ſhared the ſame fate.

opened

Ann. 1647. opened their gates to a detached party of the army, under major Rainſborough. The citizens, who, on the receipt of any intelligence that the army halted, had made the ſtreets reſound with the cry of "One and all, one and all," and on a contrary intelligence had cried as loud, "Treat, treat," were quite ſubdued by this defection. The common-council wrote to the general, that underſtanding by a declaration he had publiſhed, that the army's intent was only to reſtore the ſeceding members to their places in parliament, the city was ready to concur with him in that deſign. The general returned anſwer, That they ſhould yield to deſert the impeached members, call in their declaration newly publiſhed *, relinquiſh their militia, deliver up all their forts and line of communication, together with the Tower of London, and all its magazines; that they ſhould diſband their forces, turn the reformadoes out of the line, withdraw their guards from the parliament, receive ſuch guards of horſe and foot within the line as he ſhould appoint, demoliſh their works, and ſuffer the whole army to march without interruption through the city. Humiliating as were theſe demands, they were inſtantly ſubmitted to, and punctually performed †; and

* This was a declaration they had ſet forth againſt the army, in which they had charged them with being the authors of the preſent confuſions.

† The city magiſtrates ſent a committee of aldermen and council to congratulate the general on his arrival in London; they gave orders to prepare for him a preſent of a baſon and an ewer of gold, to the value of above one thouſand pounds; and invited him and his officers to a ſplendid entertainment at the Guildhall. Theſe forced compliments were

to the honor of the army, though they marched in triumph through the city, they preſerved both order and decency, and carried the appearance of humility inſtead of inſult *. Ann. 1647.

The ſeceding members reſume their places in both houſes.

THE two ſpeakers, with the reſt of the ſeceding members, were in great pomp conducted by the army to Weſtminſter, and reſumed their ſeats in both houſes; who now proceeded to reſolutions ſatisfactory to the army. Every meaſure they had taken was ratified in form: Sir Thomas Fairfax was appointed conſtable of the Tower, with a power to name his deputy; was declared generaliſſimo, with a power to place or diſplace what officers he thought proper; to annihilate the London militia; and to appoint what guards he pleaſed to the parliament. He was invited by this aſſembly to come and receive the thanks of both houſes; a committee of parliament was enjoined to enquire for and find out the perſons concerned in the late tumults; the promoters, framers, or contrivers of the engagement and aſſociation declared againſt by the two houſes on the twenty-fourth of July laſt; and that they ſhould examine who had

The parliament repeal their proceedings againſt the army.

were refuſed with the diſdain they deſerved; the general returning to them a ſhort reply, that the ſettlement of the nation demanded his whole time and attention.

* Clarendon ſays, That whilſt the army had lain quartered at Brentford, Hounſlow, Twickenham, and the adjacent villages about London, they had neither reſtrained proviſions from being carried into the town, nor done the leaſt action which might diſoblige or diſpleaſe the city; for the army was under ſo excellent a diſcipline, that nobody could complain they had ſuſtained any damage or provocation, either in word or deed.

raiſed

Ann. 1647. raiſed or acted, or endeavored to raiſe any force in maintenance of the ſaid engagement and aſſociation. All reformado officers and ſoldiers were ordered to depart, and not to come within twenty miles of London. An order was paſſed, That the twelfth of Auguſt ſhould be a day of thankſgiving to God, for reſtoring the members of both houſes to their juſt privileges without the effuſion of blood; and that a gratuity of a month's pay ſhould be given to the non-commiſſioned officers and ſoldiers for this great ſervice *.—The Lords, more forward than the Commons in the court now paid to the army, propoſed, That the two houſes ſhould paſs their approbation on a long declaration which had been ſet forth by the army and the ſeceding Lords and Commons; that all the acts done from the twenty-ſixth of July to the ſixth of Auguſt ſhould be annulled; that it ſhould be declared, That the parliament was under force from the twenty-ſixth of July to the ſixth of Auguſt; and that the members who aſſembled at Weſtminſter in the abſence of the ſpeaker, ſhould be expelled the parliament, and puniſhed as traitors. The Commons did not immediately aſſent to theſe propoſitions †, and a conference enſued: but the next day, on the ſpeaker's producing a kind of threatening letter from

* Acts of indemnity were paſſed, and thanks given to the inhabitants of the borough of Southwark and the forces in Hertfordſhire and Kent, for joining with Sir Thomas Fairfax's army in preſervation of the peace of the parliament, city, and kingdom. *Ruſhworth*, vol. VII. p. 772.

† The Preſbyterians carried the votes for not agreeing but by four or five voices.

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was paſſed to ſuch a ſenſe, but with a proviſo that no perſon ſhould be impeached or puniſhed for his or their acting, unleſs they had been found guilty of contriving, acting, or abetting the force which had been put on the two houſes, or did afterwards act upon their forced votes, or were guilty of entering into or promoting the late engagement for bringing the King to the city, upon the terms and conditions expreſſed in his majeſty's letter of the twelfth of May laſt. On the report of the committee appointed to take under conſideration the violence offered to the houſe on the twenty-ſixth of July, Sir John Glynn * and Sir John Maynard, for being active in the late diſorders, for promoting a new war and encouraging the riotous petitioners, were diſcharged from being members of parliament. Sir John Maynard was committed to the Tower, and impeached of high-treaſon. Sir John Gayre (the lord-mayor), Thomas Cullam (alderman), and one of the ſheriffs of London, with three other aldermen, viz. James Bunce, John Langham, and Thomas Adams, were committed to the Tower of London on accuſation of high-treaſon †; and impeachments, for levying war againſt

* The reſt of the impeached members, on their expulſion from the houſe, had abſconded. They were all afterwards impeached of high-treaſon, except Sir Lewis Dives, who was only accuſed of high crimes and miſdemeanors.

† All the principal actors in the late tumult had the ſame fate. A declaration was drawn up to exempt thoſe who had not been active, with a proviſo, That no members of the houſe, reduced officers, or delinquents (cavaliers) ſhould receive any benefit by the declaration, if any were found guilty of the tumult. *Ruſhworth*, vol. VII. p. 828.

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Ann. 1647. the King, parliament, and kingdom, were alſo voted and carried up againſt the earls of Suffolk, Middleſex, and Lincoln, with the lords Willoughby of Parham, Hunſdon, Maynard, and Berkley *.

THE ſituation of the King, during this conteſt between the civil and the military powers, had been very flattering to his hopes: from the firſt ſeizure of his perſon by the army he had been treated with great civility and reſpect; he was indulged with the company of his children, friends, and attendants; and allowed the celebration of divine ſervice after the manner of the church of England †. The army, in all their addreſſes to the parliament, had recommended moderation in their dealings to the cavalier faction; and, when the liberties and privileges of the ſubject were firmly eſtabliſhed, a due regard to the King's pretenſions. The conſequence of this conduct, whether ſincere or artificial, was fortunate: it prevented the dreaded coalition between the Scotch and Engliſh Preſbyterians with the royaliſts, whom theſe favorable appearances had ſo elevated, that Sir John Berkley, with Mr. John Aſhburnham, was diſpatched from the queen to promote a firm union be-

The army cajole the King.

Ludlow's Memoirs. Berkley's Memoirs.

* Theſe peers, on the Commons not proſecuting their impeachment with any particular charge, were ſoon after their commitment releaſed. They were again impeached by the Commons, but permitted by the upper houſe to give ſecurity for their appearance. The upper houſe, on the diſcharge of theſe lords from their confinement, paſſed a declaration, That no peer ſhould hereafter be under reſtraint upon a general charge.

† The parliament had denied the King's repeated requeſts for the liberty of theſe indulgences.

tween

tween the King and the army *; that is, to engage this body to become ſubſervient to the tyranny it had ſubdued. Theſe agents, on their arrival, found both the general officers and agitators to appearance very well diſpoſed to an agreement with the King, on terms of ſafety to the commonwealth; propoſals were actually drawn up by commiſſary-general Ireton, to be propounded to the parliament, in which the intereſts of the Preſbyterian, Independent, and even the royal party, were in ſome meaſure compriſed †. Ann. 1647.

THIS favorable return of unexpected fortune was again loſt to the King, by that duplicity of conduct from which he never varied, and thoſe deep-laid ſchemes of which he was himſelf the only dupe. The Scotch commiſſioners (who had ſent up ſeveral remonſtrances in the name of their countrymen to

* Clarendon gives it as his opinion, and not without good grounds (the characters of the men, and their averſion to the commanders of the new-modelled army conſidered), That it was the ſtrong belief which prevailed, that the army would reſtore the King, which induced Mancheſter, Lenthall, and the other members who were in the Preſbyterian intereſt, to deſert the parliament, that thus they might entitle themſelves to a ſhare of the royal favor, by a timely union with the inſtruments of the King's reſtoration.

† Sir John Berkley tells us, That he was not only permitted to view theſe propoſals, but even to alter two of the articles in the moſt material points; and that when he would have altered a third, the matter of which was the excluding only ſeven perſons, who were not named, from pardon, and not admitting the cavalier faction to ſit in the next parliament, he was only gently rebuked by Ireton, who anſwered, There muſt be preſerved ſome difference between the ſtate of the conqueror and the conquered, and that he ſhould be afraid of a parliament wherein the King's party ſhould have a major voice.

Ann. 1647. the parliament, for a ſpeedy agreement with the King, on the grounds of the national league and covenant, in which they had expreſſed great fears for the ſafety of the King's perſon, and uſed many ſevere expreſſions againſt the army) were permitted among others to pay their reſpects to the royal priſoner. In theſe interviews there were ſome advances made for a junction between the Scotch Preſbyterians and the Engliſh cavaliers; and the grounds of a treaty were actually commenced for another Scotch invaſion. The parliament of England had, during their conteſt with the army, ſent a very civil meſſage to the King; wherein they had preſſed him ſo far to countenance their cauſe as to acknowledge himſelf under a diſagreeable reſtraint with the army. Thus courted from every quarter, Charles, in his captive ſtate, regarded himſelf as the umpire of all differences; and, endeavoring to keep on terms with all, he intended to ſtrike in with thoſe who would ſacrifice the moſt to the intereſt of his prerogatives.—To the army he declared a willingneſs both to abide with them, and a ſatisfaction that he was delivered from the reſtraints the parliament had lain on him: To the parliament he ſent word, That he had been carried from Holdenby againſt his will, and that they were not to give any credit to what he ſhould write whilſt under confinement: And to the Scotch commiſſioners he promiſed almoſt every thing they could aſk, provided they would commence a new war in his favor.

FULL of ſuch airy projects, and elevated with weak-grounded hopes, the King, when the propoſals were

were ſent to him by the army, and his concurrence, Ann. 1647.
ſays Berkley, moſt humbly and even earneſtly deſired, talked to the committee who brought them not only haughtily, but with aſperity: "He would have nobody ſuffer for his ſake; he had repented him of nothing ſo much as the ſigning the bill againſt the lord Strafford; he would have the church eſtabliſhed according to law:" And when it was replied by the committee, that it was enough for them to have waved the point, and they hoped for his majeſty, ſince he had waved the government itſelf in Scotland, he anſwered, He hoped God had forgiven him that ſin. To a diſcourſe and manner thus unpleaſant and ill-timed, the King would often repeat, "You cannot be without me, you will fall to ruin if I ſuſtain you not *." The whole company, with wonder on each countenance, ſtared on one another, on hearing the King talk after this manner. Sir John Berkley having in vain attempted to attract his notice, ſtepped up to him, and whiſpered him in the ear, That he ſpoke as if he had ſome ſecret ſtrength and power; "which, added Sir John, if your majeſty hath concealed from

* Sir John Berkley, in his Memoirs, ſays, That on the King's manifeſting to him (Berkley) a great diſlike of the army's propoſitions, he told him, that he ſhould ſuſpect their integrity if they had demanded leſs favorable terms: It was not likely that men who had through great difficulties and dangers acquired ſuch advantages, ſhould ever ſit down with leſs than was contained in their propoſals; and that there never was a crown ſo near loſt ſo cheaply recovered. This, and other rational diſcourſe of the ſame kind, had no effect on the King, who inſiſted, That the army could not ſubſiſt without him, and that he did not doubt he ſhould ſee them very ſhortly glad to condeſcend farther. *Berkley's Memoirs*, p. 30.

me,

Ann. 1647. me, I wiſh you had concealed it from theſe men too." This admonition occaſioned the King to recollect himſelf ſo far as to endeavor, when too late, to ſoften his former diſcourſe; for colonel Rainſborough, who liked as little as any one member of the army the propoſed agreement with the King, ſlipt away before the conference was over, and acquainted his fellow-aſſociates with the harſh treatment their committee had received. Sir John Berkley afterwards obtained a meeting with the ſuperior officers; but on his preſſing them to declare what the King had to truſt to, ſhould he grant the propoſals, they gave him no farther ſatisfaction than They would offer them to the parliament; and on his queſtion, If the parliament refuſed them, what would they do then? they bluntly replied, They would not tell.—The plot which was at this time carrying on in the city, to bring the King in with freedom, ſafety, and honor, and the promiſes of the Scots, was that imaginary ſtrength on which the King had aſſumed thoſe airs of ſuperiority in his treaty with the army's committee; and the reaſon on which he had abſolutely inſiſted, contrary to the earneſt deſire of his preſent keepers, on the removing to Richmond, according to the invitation of both houſes †.

When the city of London was in a manner in the power of the army, by the ſucceſs they had met with

† The King was ſo peremptorily reſolved on accepting the parliament's invitation, that he repeatedly aſſerted, he would endeavor to make it the laſt action of that man's life, who ſhould go about to hinder him; but when he had prepared all things for his journey, the parliament yielded up the point to the army, and ſent him a meſſage requeſting him to remain in the quarters of the camp.

at

at Southwark, he received advice, from ſome of the Ann. 1647.
officers who were much in his intereſt, to write a letter to the general, ſignifying his reliance on the counſels of the army, and his diſapprobation of the tumultuous carriage of the citizens: but the matter being under four different debates before the King would come to a reſolution, the commiſſioners from the city of London, with the full ſubmiſſion of the city, reached Sion-Houſe, the ſeat of the general's quarters, before the arrival of the King's letter; which coming out of time, and with an ill grace, did not help to reinſtate him in the good opinion or affection of the army. The Preſbyterians, who ſtill maintained a majority in the lower houſe, and the Lords, who were almoſt all of the Preſbyterian intereſt, encouraged by the Scotch commiſſioners, who continually urged the neceſſity of a ſpeedy coalition with the King, ſent him, with an addition for an act to be paſſed for aboliſhing archbiſhops and biſhops, the ſale of their lands, and ſome few alterations in the matter of fines and compoſitions of delinquents, the ſame propoſitions formerly ſent to Newcaſtle; but the King, much diſſatisfied that there was no abatement in their demands, refuſed the articles, and deſired a perſonal treaty with the parliament, on the propoſals of the army, which had been now preſented in form to both houſes *. Ireton, Cromwell,

The King refuſes the parliament's propoſals.

* The propoſals of the army.

Firſt, That there ſhould be biennial parliaments, each of which to ſit fourteen days, afterwards to be adjournable and diſſolvable by the King: The King, upon advice of the council of ſtate, between the intervals of biennial parliaments, upon extraordinary occaſions to call an extraordinary parliament, provided its ſitting diſturb not the courſe of biennial elections: Biennial parliaments to appoint committees during their intervals, for ſuch purpoſes as are by the propoſals referred to

ſuch

Ann. 1647. and their partizans in the houſe, preſſed with earneſtneſs the King's deſire for a perſonal treaty; but with-

ſuch committees: That a better rule of proportion may be obſerved in elections, all counties to be repreſented in the number of their members competent to their charges: That effectual proviſion be made for freedom of elections: That there be a liberty of entering diſſents in the houſe of Commons; with proviſion that no member be cenſurable for aught ſaid or voted in that houſe, further than to excluſion from that truſt: That the judicial power or final judgment of Lords and Commons be cleared and determined; and that no perſon ſo adjudged be pardonable by the King without their conſent: That the right and liberty of the Commons of England, as to a due exemption from any proceedings againſt them by the houſe of peers without the concurrence of the Commons, be cleared and vindicated: That grand jurymen be choſen in an equal way by the diviſions of counties, and not remain at the diſcretion of an under-ſheriff: That the militia, and the power of raiſing money for the maintenance of what force is deemed ſufficient by the two houſes, be in the power of the two houſes for the ſpace of ten years: None who have been in hoſtilities againſt the parliament to be, without the conſent of parliament, capable of bearing office in the kingdom, or of a ſeat in parliament, for the ſpace of five years: The commanders both of the land and ſea forces to be now appointed: That a council of ſtate be now appointed, the individuals of which to hold their offices *ſi bene ſe geſſerint*, for a term of time to be now ſettled, not exceeding ſeven years; this council of ſtate to ſuperintend and direct the powers of the land and ſea militia, to conſult on all foreign negotiations, provided the making of peace and war with foreign ſtates be not without the advice and conſent of parliament: That there be a ſufficient eſtabliſhment now provided, to laſt till two months after the meeting of the firſt biennial parliament, for the ſalary of forces both in England and Ireland: That for the ſpace of ten years the great officers of ſtate be nominated by the two houſes, or their committees; after that time, they to nominate three, out of which number the King to appoint one: No peers made ſince the twenty-firſt day of May 1642, or to be hereafter made, to ſit or vote in parliament without the conſent of both houſes: A confirmation of the ordinances for indemnity, and all declarations and other proceedings againſt the parliament, or thoſe who have acted by their authority, to be recalled and cancelled: An act for invalidating grants, &c.

out effect. The republicans, who had hitherto re- Ann. 1647.
garded them in their intereſt, began to ſuſpect they had made a private bargain with the King; and joining with the Preſbyterians, carried the queſtion clearly againſt them. The majority of the army, who were greatly enraged at the manner in which the King had treated their propoſals, were equally diſſatisfied with the carriage of their leaders: They murmured in

&c. under the old great-ſeal from the time of its conveyance from the parliament, and validating the grants, &c. by the new one: The treaties between England and Scotland to be confirmed: The ordinance for taking away the Court of Wards and Liveries to be confirmed: The ceſſation with Ireland to be declared void, and the proſecution of the war to be in the Lords and Commons: The coercive power, authority, and juriſdiction of biſhops and eccleſiaſtical courts to be taken away: The repeal of all acts or clauſes of acts, enjoining the uſe of the Common-Prayer, impoſing penalties on the neglect of it, the neglect of attending divine ſervice in churches, or for meeting elſewhere for prayer, and other religious duties: The covenant not to be enforced on any: That theſe things propoſed being eſtabliſhed, his majeſty's perſon, his queen, and royal iſſue, be reſtored to a condition of ſafety, honor, and freedom, without diminution to their perſonal rights, or farther limitation to the exerciſe of the regal power, than according to the particulars foregoing.

The next article in theſe propoſitions fixes the number of excepted perſons for the Engliſh to five, and determines the rate of compoſitions; the next is for a general pardon; the next, that the liberty of the ſubject to petition be cleared and vindicated; the others are for the aboliſhing thoſe arbitrary powers produced by the war, the taking off the exciſe on the neceſſaries of life, the aboliſhing monopolies, the oppreſſions and encroachments of foreſt-law, to rectify the inequality of rates, that the ſtipend of miniſters ſhould be ſettled other than by tithes, for reforming the courſe of law in matters of right, concerning priſoners for debt, the exacting evidence from near relations in criminal caſes, the impoſing oaths, the righting and ſatisfying the kingdom in point of account, proviſion for payment of arrears to the ſoldiery, and the public debts and damages of the kingdom.

Ann. 1647. private againſt them as betrayers of the cauſe, and in council the agitators complained of the King's being ſuffered to hold continual cabals with malignants, who flocked about him; aſſerted, That on his having rejected their propoſals, they were no farther engaged to him; that having now the power devolved to them by the deciſion of the ſword, to which all parties had appealed, it behoved them to conſult their own ſafety and the public good; and being convinced, from the experience of all times, that monarchy was inconſiſtent with the proſperity of the nation, they would uſe their endeavors to reduce the government of England to the form of a commonwealth.

THESE high proceedings of the army alarmed Fairfax, whoſe prejudices lay on the ſide of old forms; Ireton too diſliked their puſhing forward to the goal of Freedom by other than his direction; and Cromwell (the moſt corrupt and ſelfiſh being that ever diſgraced an human form, who had actually made very ſhameful and dangerous advances to the King *, and who expected to make a good bargain for himſelf of the implicit faith the army had had of his integrity and inclinations to theirs and the public weal) was like a madman, when he found himſelf thus on the brink of being diſappointed of his intereſted views—A general rendezvous, where it was hoped the majority of the army would yet adhere to the

* The garter, with the title of Earl of Eſſex, and his ſon to be of the prince of Wales's bed-chamber, were to be the reward of Cromwell's ſervices. Ireton, Cromwell's ſon-in-law, was at the ſame time offered the lieutenancy of Ireland.

propoſals which had been made to the King, was determined on in a council of war. On the day appointed for this meeting, thoſe who were ſimply honeſt to the principles of equal and general Freedom, who called themſelves Commonwealth's men, but who were in deriſion ſtiled Levellers *, appeared with diſtinguiſhing marks in their hats †. Cromwell, who had had good intelligence of the cabal, attended by Ann. 1647.

* This is an hackneyed term of reproach, flung out on all occaſions by the adverſary againſt the partizans of Liberty; both with a view to throw ridicule on their ſyſtems, as viſionary and impracticable, and to engage the ſelfiſh affections of men in the cauſe of arbitrary and unequal dominion. The levelling plan, according to the inſinuations of theſe ſcoffers, never was, nor never can be adopted by men who have accurate notions of a ſtate of nature, or who are well informed in the ſcience of government and the laws of ſociety; for though the juſtice and wiſdom of God has given equal and impartial privileges to the ſpecies in general, yet the difference which exiſts in the judgment, underſtanding, ſagacity, genius, and induſtry of individuals, creates ſuperiority and inferiority of character, and produces a ſtate of dependance from man to man. To preſerve that natural ſubordination eſtabliſhed by God himſelf, and to keep that accumulation of property and influence which the different qualities of men occaſion, from producing tyranny, and infringing the general rights of the ſpecies, lies the whole art of true and juſt policy. All political diſtinctions which are perſonal, however wiſely and impartially diſtributed, are miſchievous in their nature, becauſe they give weight inſtead of ballance to the preponderating ſcale: but hereditary privileges are the mere eſtabliſhments of ſelfiſhneſs, and attended with the moſt deſtructive conſequences; ſince, neceſſarily counteracting the laws of Providence, the vicious and the fooliſh bear rule over the wiſe and the virtuous, the ſyſtem of nature is not regulated but overturned, and thoſe are prepoſterouſly placed at the head of ſociety, whoſe qualities often entitle them to no other than the moſt inferior ſtation in it.

† Theſe were papers, on which were the following motto, "England's liberty and ſoldier's rights."

Ann. 1647. ſeveral officers whom he had preferred, and who on this account were become his creatures *, rode up to one of the regiments thus ſignalized, and in a peremptory manner required them to throw aſide theſe ſymbols. On being refuſed obedience, he cauſed ſeveral of the ringleaders to be ſeized by the ſoldiers with whom he was accompanied, held in the field a council of war, by the authority of which one of theſe mutineers was immediately ſhot dead, and the reſt committed to cloſe confinement. This act of reſolution was ſo unexpected, that it appalled the diſcontented troops, who were totally unprepared for the event; they yielded a ready obedience to his commands; and the army being thus diſperſed in their quarters, without coming to any reſolution contradictory to the judgment of their chiefs, Cromwell went to give an account of his exploits to the parliament,

* "Lieutenant-general Cromwell, ſays Ludlow, not contenting himſelf with his part in an equal government, puffed up by his ſucceſſes to an expectation of greater things, and having driven a bargain with the grandees of the houſe, either to comply with the King or to ſettle things in a factious way without him, procured a party to ſtand by him in ſeizing ſome of thoſe who appeared at the rendezvous in oppoſition to his deſigns: for though, when an agreement with the King was carried on by other hands, he could countenance the army in oppoſition to the parliament, yet now the bargain for ſale of the peoples' liberties being carried on by himſelf, he oppoſed thoſe who labored to obſtruct it, pretending his ſo doing to be only in order to keep the army in ſubjection to the parliament, who being very deſirous to have this ſpirit ſuppreſſed by any means, not only approved what he had done, but gave him the thanks of the houſe for it; whereunto, though ſingly, I, adds Ludlow, gave as loud a No as I could, being fully convinced that he had acted in this manner for no other end but to advance his own paſſion and power into the room of right and reaſon." *Ludlow*, p. 86.

ment, from whom he received the higheſt encomiums *. Ann. 1647.

THE diſcontent of the army in general had ariſen to ſuch a height againſt the King, and againſt thoſe whom they on good grounds fancied were in compact with him, that it had obliged Cromwell and others to forbear their former intimacies with his two counſellors and confidants, Sir John Berkley and Mr. Aſhburnham. The ſtudied manner in which they endeavored to avoid their converſation, with frequent intimations from all quarters, even from Cromwell himſelf, that the army had ill deſigns, and that it was not in his (Cromwell's) power to undertake for the King's ſecurity whilſt among them, and in particular that he was now abridged of the liberty he had been ſuffered to enjoy †, occaſioned this unfortunate prince to conclude that his life was in imminent danger, and to meditate the means for an immediate eſcape. The place of refuge at firſt thought on was London, and that the King ſhould make an unexpected appearance in the houſe of Lords; but to this it was objected, that the army, being maſters of the city and parliament, would undoubtedly ſeize him there, and, ſhould any blood be ſhed in his defence, he would be accuſed of being the author of a new war. To the ſafe counſel of ſecuring his perſon by leaving the kingdom, the

* Courage, if, ſingly of itſelf, and without being ſubordinate and aſſiſtant to magnanimous purpoſes, it can juſtly be ranked among the liſt of human virtues, was the only one of which Cromwell was poſſeſſed.

† According to Aſhburnham's account, the King, at leaſt ſix days before he attempted to eſcape, was confined within the limits of his houſe and garden.

King

Ann. 1647. King himſelf objected *; firſt, becauſe he did not care to leave the army before the Scots and he had come to a concluſion of their treaty, leſt they ſhould then, when the ſeparation was effected, ſtand upon higher terms; ſecondly, he did not care by ſuch a ſeparation to hazard the hopes he had conceived from the promiſes made him by the corrupt part of that body, concluding that if the chief officers prevailed at the appointed rendezvous, they would make good their engagements, otherwiſe they muſt apply themſelves to him for their ſupport and ſecurity. After theſe and ſeveral other propoſals had been made and objected to, it was at length determined between the King and Mr. Aſhburnham, the counſellor in whoſe judgment the King at this time chiefly confided, that lieutenant-colonel Hammond, an officer of repute in the army and a great friend of Cromwell, ſhould be the man on whoſe generoſity, in this time of peril, he ſhould fling himſelf for protection. Having ſecured a relay of horſes, Charles, in conſequence of this reſolution, in the company of Berkley, Aſhburnham, and Leg, ſtole away from the camp in the evening of the eleventh of November; and after meeting with many difficulties in paſſing through Windſor-Foreſt, in a dark ſtormy night, he arrived the next day at Tichfield, an houſe of the earl of Southampton. From this place Berkley and Aſhburnham were diſpatched to the iſle of Wight, to notify to Hammond (the governor) the King's intention. The unexpected intelligence had ſuch an effect upon Hammond, that he turned pale, and

The King flies from the army, and takes refuge in the Iſle of Wight.

* The duke of Richmond, the marquis of Ormond, the earl of Lindſay, the lord Capel, and others of this ſtamp, were the men the King conſulted with in this, and all other important buſineſſes.

fell

fell into a fit of trembling, which continued for an hour, exclaiming at times, "Oh, gentlemen, you have undone me, in bringing the King into the iſland, if at leaſt you have brought him; and if you have not, I pray let him not come; for what between my duty to him, and gratitude for this freſh obligation of confidence, and the diſcharge of my truſt to the army, I ſhall be confounded." Berkley had ſenſe enough to regard this conſternation of Hammond as no good preſage, and would have receded from the purpoſe; but, after much converſation, in which both agents endeavored, though in vain, to bring Hammond to a more particular and explicit declaration than the following, That he did believe the King relied on him as a perſon of honor and honeſty, and therefore he did engage himſelf to perform whatever could be expected from a perſon ſo qualified, Aſhburnham yet perſiſting in the reſolution of truſting him, aſſented to a propoſition he had made of carrying him to Tichfield to the King. The King was thunderſtruck when he heard from Aſhburnham, that his agents, inſtead of bringing from Hammond a particular promiſe of protection, as he had required *, had brought the governor himſelf; he ſtruck his hand upon his breaſt, and ſaid, "Oh, you have undone me; I am now made faſt from ſtirring!" After ſome converſation of the ſame kind between the King and Aſhburn-

Ann. 1647.

* A promiſe was to have been obtained of the governor, that he would not deliver the King or his ſervants up to the parliament or army, ſhould they require it; and were he not able to defend them, to permit them to ſhift for themſelves.

ham,

Ann. 1647. ham, in which Aſhburnham uſed many paſſionate lamentations for his precipitate ſtep, and the King determined that it was too late to take other meaſure than what was now forced upon him, Hammond was introduced; and after a repetition to the King of the ſame general aſſurances which had been given to his agents, the whole company ſat forward from Tichfield to the Iſle of Wight *.

When the news of the King's flight reached the capital, the parliament paſſed an ordinance, declaring loſs of life and confiſcation of goods to any who ſhould harbor or conceal his perſon, without revealing it to the two houſes. The dwellings of thoſe who had been the moſt notorious in the late riots, and the moſt zealous in their proceedings againſt the army, were ſearched. Orders were ſent to ſhut all the ports in the kingdom; and a proclamation was iſſued for baniſhing from London, or within the diſtance of twenty miles, all perſons who had borne arms for the King.—The arrival of letters from colonel Hammond determined, on the ſubject of the King's flight, the hopes and the fears of all parties. It was voted, That the place of his confinement in the Iſle of Wight ſhould be Cariſbrook-Caſtle, and all malignants not only to be reſtrained from coming into his preſence, but from remaining in the iſland.

It has been already mentioned, that Charles, when he retired from the camp, intended in ſome place

* Hammond had had the precaution to carry Baſket, the governor of Cowes-caſtle with him, and to order a file of muſketeers to follow.

of

of ſecurity to carry on the two oppoſite treaties he Ann. 1647.
had entered into, the one with his Scotch ſubjects, and the other with Sir Thomas Fairfax and the general officers of his army. In purſuance of this plan, the Scotch commiſſioners were ſummoned to repair to his preſence; and letters (in which was expreſſed an entire confidence in their friendſhip) were ſent by Sir John Berkley to Fairfax, Cromwell, and Ireton. Hammond, whoſe treatment of his priſoner had been very humane and courteous, accompanied Charles's diſpatches with others of his own to Ireton and Cromwell, in which he uſed many arguments and entreaties to perſuade them to a ſpeedy junction with the King. In the way to the camp, Berkley received the ominous news, that the army was not yet come to any reſolution reſpecting the King, and that ſomething had been dropped by the agitators concerning bringing him to a trial. When he arrived at the general's quarters, and had delivered his compliments and letters, he had the thrilling mortification to be told by Fairfax, with a ſevere ſtern look, in a full aſſembly of officers, That the army was the parliament's army, and therefore they could ſay nothing to the King's motion for peace, but muſt refer thoſe matters to their principals, to whom they would ſend his majeſty's letters. Berkley looked round for comfort on the countenances of his old acquaintances, Cromwell and Ireton, who not only regarded him coldly, but treated with great diſdain the letters he had delivered to them from Hammond.

Full of the moſt melancholy apprehenſions, Berkley retired to his lodgings; and at twelve o'clock at

Ann. 1647. night, in an unſuſpected place, he had a meeting with Watſon, the ſcout-maſter-general, who informed him, That the army had now come to a reſolution to bring the King to a trial: That though the officers had appeared ſuperior at the general rendezvous, they were obliged to ſubmit to the ſenſe of the mutineers; for that two-thirds of the army were ſo reſolutely bent againſt an agreement with the King, that they had declared, they would leave nothing uneſſayed to bring the whole body to their ſenſe; and if all failed they would make a diviſion, and join with any who would aſſiſt in the deſtruction of their oppoſers: That Cromwell, on a full information that this was the ſenſe of the majority, had lain aſide his former oppoſition; had acknowledged, that the glories of the world had ſo dazzled his eyes that he could not ſee clearly the great works the Lord was doing; had declared his reſolution to humble himſelf, and deſire the prayers of the ſaints, that God would be pleaſed to forgive him his ſelf-ſeeking; had ſent meſſages of comfort to thoſe impriſoned for the late mutiny, deſiring them to be of good cheer, for no harm ſhould befal them, ſince it had pleaſed God to open his eyes: And that with theſe arts, and the aſſiſtance of Hugh Peters (a famous Independent miniſter), he had made a full peace with the party he had offended. Though to this intelligence Watſon had added the two following propoſitions, made by Ireton, on the incident of Berkley's arrival at the camp, firſt, That he ſhould be ſent priſoner to London, and ſecondly, That none ſhould ſpeak with him on pain of death; yet this truſty ſervant, leaving no

no means uneſſayed which might poſſibly aſſiſt his Ann. 1647.
maſter, ſent a meſſenger to Cromwell to inform him, That he had particular letters and inſtructions to him; but received for anſwer, That Cromwell durſt not venture to ſee him; and that though he would ſerve his majeſty as long as he could do it without his own ruin, yet he deſired that it might not be expected he ſhould periſh for his ſake.

Berkley loſt no time in acquainting the King of his danger; and joined to his intelligence an earneſt ſupplication, that he would lay aſide all ſchemes but that for an immediate eſcape: yet Charles, not apprehending the peril ſo great as repreſented, determined to wait the conſequences of his preſent machinations; and reſuming his correſpondence with the two houſes, renewed his offers for a perſonal treaty, and accompanied them with propoſals for a peace *.—Notwithſtanding the King's former denial,

* The King in theſe propoſals refuſed to give up epiſcopacy, or grant his conſent to an alienation of church-lands; becauſe it could not be denied, he ſaid, it was a ſin of the higheſt ſacrilege. He offered to reſtrain the power of biſhops; to give up the militia during his own reign; to pay the arrears of the army; to give to the parliament the nomination of the great officers of ſtate; to take away, for a valuable conſideration, the court of Wards and Liveries; to paſs an act of oblivion; and to give his two houſes ſatisfaction as to Ireland. As the King's intention in this meſſage was only to procure leave to come to London, that he might conveniently conſult meaſures with and unite parties in his cauſe, he wrote word to the earl of Lanerick, That his conduct in this particular, though it might be miſinterpreted, and ſo diſliked by the Scotch commiſſioners, was to procure a perſonal treaty; that he thought it neceſſary to tell him, he might aſſure his fellow-commiſſioners, that change of place had not altered his

Ann. 1647. the parliament, before his removal from the army, had voted to addreſs him once more on the ſubject of peace. The propoſitions drawn up on this occaſion were now reſumed *; and, on a motion of the Lords, it was reſolved to admit the King to a perſonal treaty, on condition of his giving his aſſent to four preliminary articles, to be paſſed into acts: The firſt concerned ſecuring to the parliament full power over the militia for the ſpace of twenty years, with a right of reſuming the ſame authority whenever they ſhould declare the ſafety of the kingdom required it †; by the ſecond, the King was required to recall all his declarations and proclamations againſt the parliament, and acknowledge them to have taken arms for their juſt and neceſſary defence; by the third, he was to annul all the acts, and void all the patents of peerage, which had paſſed the great-ſeal ſince it had been conveyed from London by Lyttleton the chancellor; and

mind from what it was when he ſaw him laſt. *Burnet's Memoirs*, p. 325.

* The following preamble was annexed to theſe propoſitions; viz. "The Lords and Commons aſſembled in parliament do declare, That the King of England for the time being is bound in juſtice, and by the duty of his office, to give his aſſent to all ſuch laws as by the Lords and Commons in parliament aſſembled ſhall be adjudged to be for the good of the kingdom, and by them tendered to him for his aſſent; and, in purſuance thereof, do offer the enſuing propoſitions to his majeſty, to be made laws, for the preſent ſettling a well-grounded peace." *Parl. Hiſt.* vol. XVI. p. 324.

† The council of war had propoſed to the parliament to add to this article of the militia, That the Commons may have power to exerciſe the militia without the Lords, in caſe the Lords ſhall not concur. *Ruſhworth*, vol. VII. p. 863.

by

by the fourth, he was to give the two houſes power Ann. 1647. to adjourn when they thought fit.

THE reſolution of parliament to renew, on any terms, the offer of agreement with the King, was very diſagreeable to the majority of the republicans; both becauſe it diſappointed their ſchemes for a more equal government, and through a well-grounded fear, that was Charles reſtored to any part of monarchical power, he would by the means of that part not only recover the remainder, but be enabled to gratify his own faction, and revenge himſelf of the reſt. For very different reaſons this intended application was oppoſed, though unſucceſsfully yet ſtiffly, by the Scotch commiſſioners; who, in a large remonſtrance (wherein they affected ſuch regard for the power and prerogatives of the crown, as to fix a ridicule and paſs a cenſure on themſelves, for their former oppoſition *) proteſted againſt the four preliminary bills, and inſiſted upon a perſonal treaty †. Altercation on each ſide enſued;

* In one of the ſeveral remonſtrances the Scotch commiſſioners ſent into the parliament for a perſonal treaty with the King, they ſay, That the kingdom of Scotland found their ſtability and happineſs did depend upon the ſafety and preſervation of his majeſty's perſon; that they were reſolved no alteration of affairs ſhould ſeparate them from the duty and allegiance they owed his majeſty, nor their conſtant reſolution to live in all loyalty and obedience under his government. *Parl. Hiſt.* vol. XVI. p. 322.

† The printer who printed the declaration of the Scots was committed to priſon. On this ſubject it is proper to obſerve, the freedom of the preſs, during theſe conteſts, was attacked by every faction when uppermoſt; and even Sir Thomas Fairfax, the preſent champion for Liberty civil and eccleſiaſtical, moved the parliament to take into conſideration the means for laying an effectual reſtraint on the licence generally

Ann. 1647. but both houſes adhering to their reſolution, the committee they had appointed to wait on the King was accompanied with the Scotch commiſſioners *, who delivered to his majeſty a public declaration or proteſtation, on behalf of the kingdom of Scotland, againſt the propoſitions of the parliament. They were ſo ſucceſsful in the inſinuations and promiſes they made in private, that the ill-fated Charles returned a refuſal to the offers of the parliament; and thus rejected the laſt chance which remained to him for the ſecurity and ſafety of his perſon.

The King again refuſes the parliament's propoſitions.

The King is reſtrained from his former liberty.

Sir John Berkley had cautioned the King, that an abſolute negative would produce ſo ſtrict a confinement of his perſon as to render his intended eſcape impracticable. To this obſervation Charles aſſented; yet depended on the ſucceſs of the ſhallow expedient of delivering his anſwer ſealed up to the parliament's commiſſioners. The commiſſioners ſternly and abſolutely refuſed to receive the King's anſwer ſealed; in conſequence it was opened: when the contents † were

rally taken by individuals to publiſh reports and opinions to the people.

* The pretenſions of the Scots, to interfere in the terms of peace demanded by the parliament on the part of England from the King, were very fully and humorouſly anſwered by Henry Martin, a republican, and a man of genius and underſtanding. *Parl. Hiſt.* vol. XVII. p. 51, *& ſeq.*

† The King in his anſwer declared, that neither the deſire of being freed from the tedious and irkſome condition of life he had long ſuffered, nor the apprehenſion of any thing which might befal him, ſhould ever prevail on him to conſent to any one act till the conditions of the whole peace were concluded; that then he would be ready to give

known, the commiſſioners abruptly departed; and Ann. 1647. Hammond, who till this period had indulged the King in the full liberty of going out of and into the caſtle, and of riding about the iſland at his pleaſure, who had admitted of the repair of his friends and partizans to ſee him, had been ſo ſucceſsful in his expoſtulations to the parliament as to procure him the attendance of his own ſervants, now perceiving he had cloſed with the Scots, in oppoſition to the intereſts of England and the ſecurity of the Independents, doubled the guards round the caſtle, barred the gates, ſent away Aſhburnham, Berkley, Leg, and the reſt of his ſervants from the iſland, and thus prevented him from every poſſible means of an eſcape.

THE receipt of the King's denial put both houſes in a flame: the republicans took the opportunity to advance thoſe opinions which had hitherto only tranſpired in their private councils and converſations. Sir Thomas Wroth, with the following whimſical expreſſion, "That Bedlam was appointed for madmen, and Tophet for Kings," moved, that the perſon of Charles ſhould be ſecured in ſome inland caſtle, with ſtrong guards; that articles of impeachment ſhould be drawn up againſt him; and that he ſhould be ſet aſide, and the kingdom ſettled without him: "Neither, added the paſſionate member, do I care what form of government you ſet up, ſo it be not by Kings

give juſt and reaſonable ſatisfaction in all particulars; for the adjuſting of this, he knew no way but a perſonal treaty, and therefore earneſtly deſired the two houſes to conſent to it.

and

Ann. 1647. and devils." Commiſſary Ireton aſſerted, that the King by denying the four bills, had denied ſafety and protection to his people: ſubjection to a ſovereign, he obſerved, was but a return for protection to the people; that that being denied by the King, ſubjection ought to be withheld, and the kingdom ſettled without him; it was now expected, after ſo long waiting, the parliament ſhould ſhew its reſolution, and not deſert thoſe valiant men who had engaged for them beyond all poſſibility of a retreat, and who would never forſake the parliament unleſs the parliament forſook them. Cromwell, who ſpoke laſt in the debate, after declaiming ſome time on the valor, good affections, and godlineſs of the army, ſaid, that it was now expected the parliament ſhould govern and defend the kingdom by their own power and reſolution, and not teach the people any longer to expect ſafety and protection from a man whoſe heart God had hardened: "Thoſe men, continued Cromwell, who have defended you from ſo many dangers, with the expence of their blood, will defend you herein with fidelity and courage, againſt all oppoſition. Teach them not, by neglecting your own and the kingdom's ſafety, to think themſelves betrayed and left to the rage and malice of an irreconcilable enemy, whom they have ſubdued for your ſake, and therefore are likely to find his future government of them inſupportable, and fuller of revenge than juſtice, leſt deſpair (and here Cromwell laid his hand on his ſword) indicate to them to ſeek their ſafety by ſome other means than adhering to you, who will not ſtick to yourſelves: and

and how deſtructive ſuch a reſolution will be to you all, I tremble to think on *." Ann. 1647.

Vote of No more addreſſes.

ON calling the queſtion, it paſſed in the affirmative, by one hundred and forty-one voices againſt ninety-two, That the Lords and Commons do declare, that they will make no farther addreſſes or application to the King. The three following reſolutions paſſed without a diviſion: That no application or addreſſes be made to the King by any perſon whatſoever, without the leave of both houſes; and that the perſon or perſons who ſhall make breach of this order, ſhall incur the penalty of high-treaſon: That the two houſes do declare, that they will receive no more meſſages from the King; and do enjoin that no perſon whatſoever do preſume to receive or bring any meſſage from the King to either or both houſes of parliament: That the members of both houſes of the committees of both kingdoms have power to ſit and act alone (as formerly the committees of both kingdoms had) for the ſafety of the kingdom. The Lords paſſed, with little heſitation, theſe reſolutions; and the Commons farther voted, That colonel Hammond and Sir William Conſtable, who had been joined with Hammond in the office of guarding the King, be required to remove from their attendance on his per-

* Cromwell obſerved to the houſe, That whilſt the King profeſſed with all ſolemnity that he referred himſelf wholly to the parliament, and depended only upon their wiſdom and counſel for the ſettlement and compoſing the diſtractions of the kingdom, he had at the ſame time ſecret treaties with the Scotch commiſſioners, for deſtroying the parliament, and embroiling the nation in a new war.

Ann. 1647. ſon all ſuch as they ſhall judge improper to be truſted; and that it be referred to the committee of the revenue what perſons are fit and neceſſary to attend on the King, and which way the expences of his entertainment may be conveniently retrenched. At the ſame time an ordinance paſſed for taking away all the firſt-fruits and tenths payable to the crown, with the diſcharging the arrears due on that ſcore: and the parliament, to refreſh the memory of the public on the provocations and reaſons which had excited and urged them to theſe ſeverities, publiſhed a large declaration, in which were narrated all the errors and tyranny of the King's adminiſtration; his conſpiracy againſt the Proteſtant cauſe *; the war he had made on his people, ſince the ſpirit of Liberty had raiſed a ſucceſsful oppoſition to his pretenſions; his obſtinately rejecting the ſeveral propoſitions for peace which had been at different times offered to him, with the perfidious uſe he had made of treaties; his laſt refuſal of giving a neceſſary ſecurity to his people; and every criminal tranſaction he had been ſuppoſed or known to be engaged in, from the death of his father to the preſent time †.

Declaration againſt the King. Huſbands's Collections.

Different intrigues of the King.

WHILST matters in parliament were proceeding to ſuch extremities againſt the King, he found means,

* Among theſe conſpiracies, the declaration noticed the betraying Rochelle into the hands of the French.

† There were ſeveral pens drawn to attempt to confute the aſperſions thrown on the King in this declaration; but all the performances on this ſubject are ſo poorly executed, that they would rather tend to confirm the King's guilt, than otherwiſe, in the opinion of a judicious reader.

not-

notwithſtanding his cloſe confinement, to carry on a Ann. 1647.
variety of negotiations for the overwhelming on all ſides the Independents, when they leaſt expected it *. The Scots, with whom he had concluded a treaty †,

* "To the lord Capel (ſays Clarendon, ſpeaking of the time when the King was at Hampton-Court in the quarters of the army) his majeſty imparted all his hopes and all his fears, the great overtures the Scots had made him, and that he did really believe it would not be long before there was a war between the two nations; in which the Scots promiſed themſelves an univerſal concurrence from all the Preſbyterians in England; and that in ſuch a conjuncture he wiſhed his own party would put themſelves in arms, without which he could not expect great benefit by the ſucceſs of the other; and therefore deſired Capel to watch ſuch a conjuncture, and draw all his friends together. —Many things (adds Clarendon) were at this time adjuſted, upon the foreſight of future contingencies, which were afterwards thought fit to be executed." It was the knowledge that the Kng was carrying on intrigues oppoſite to the intereſts of the army, the Independents, and his own proteſtations, which raiſed the reſentment of the ſoldiery againſt him, and which excited them, before his removal, to inſiſt on the diſmiſſion of malignants from attendance on his perſon; and the forbearance of that indulgence which had been ſhewn him, in permitting the reſort of all parties to his preſence. To Cromwell, who procured intelligence from thoſe who were admitted to his neareſt confidence, every particular of theſe tranſactions was known, and the circumſtance of the King's intriguing with his declared enemies the Scots, occaſioned him, among other prevalent reaſons, to lay aſide the thoughts of riſing by court favor.

† The ſubſtance of the King's treaty with the Scots.

The King acknowledged that the intention of the covenanters had been for the preſervation of his perſon and authority: The league and covenant were to be confirmed in a free parliament in both kingdoms; with the proviſo, that none who were unwilling ſhould be obliged to take it: The King was to confirm all the acts paſſed in the laſt parliament of Scotland: Preſbytery, with the Directory for worſhip, was to be confirmed in England by act of parliament, for three years; with a proviſo, that the King and his houſhold ſhould be at liberty to uſe the

Ann. 1647. were with all poſſible diligence to raiſe an army, to aſſiſt the King's friends in the recovery of his rights;

form of divine ſervice they had formerly practiſed: The form of church government and general worſhip, after the expiration of the three years, and after conſultation with the aſſembly of divines (to which aſſembly were to be added twenty of the King's nomination) to be determined by the King and his two houſes of parliament: That an effectual courſe ſhould be taken for ſuppreſſing every other ſect but Preſbyterians and Epiſcopalians: The King was, neither by his authority or knowledge, to make or admit any ceſſation, pacification, or agreement whatſoever, for peace nor treaty, propoſition bills, or any otherways to that end, with the houſes of parliament, army, or any party in England and Ireland, without the advice and conſent of the kingdom of Scotland: Obligations of the ſame kind were to be reciprocally binding on the Scots: Upon the ſettlement of the peace, there was to be an act of oblivion, to be agreed on by the King and the parliaments of both his kingdoms: The King and prince of Wales, when they poſſibly could with ſafety and convenience, were to go into Scotland upon the invitation of that kingdom, and their declaration that they ſhould be there in honor, freedom, and ſafety: The King was to contribute his utmoſt endeavor to protect and aſſiſt the kingdom of Scotland in carrying on the war both by ſea and land, &c. and did authorize the Scotiſh army to poſſeſs themſelves of Berwick, Carliſle, Newcaſtle upon Tyne, with the caſtle of Tinmouth and the town of Hartlepool: The King was to pay the Scots the remainder of the brotherly aſſiſtance yet unpaid, and the two hundred thouſand pounds due on the laſt treaty, and engage to the kingdom of Scotland for the payment and expence of their army in the future war, with due recompence for the loſſes they ſhould therein ſuſtain, and due ſatisfaction according to the treaty on that behalf between the two kingdoms: To the Scotiſh army in Ireland the King was to endeavor a complete union of the two kingdoms; and, if that ſhould not be ſpeedily effected, all liberty and privileges concerning commerce, traffic, and manufactures, peculiar to the ſubjects of either nation, were to be common to both, and a communication and mutual capacity of all other liberties of the ſubjects of the two kingdoms: A competent number of ſhips was to be aſſigned out of his majeſty's Engliſh navy for the yearly guard of the coaſts of Scotland; and his majeſty

the moſt violent of the Preſbyterians had promiſed Ann. 1647. their countenance and ſupport; the cavaliers were to keep themſelves in readineſs to riſe on the firſt favorable opportunity; aſſurances were given of large ſuc-

majeſty was to declare his ſucceſſors, as well as himſelf, obliged to the performance of the articles and conditions of this agreement: The King was to engage himſelf to employ his Scotch ſubjects equally with his Engliſh in all foreign employments and negociations: That a third part of all the offices and places about the King, queen, and prince, ſhould be conferred upon Scotchmen; and that the King and prince, or one of them, ſhould frequently reſide in Scotland. The Scots, in return, did engage themſelves to aſſiſt the right of the crown to the power of the militia, the great-ſeal, the beſtowing honors and offices of truſt, the choice of the privy-counſellors, the King's negative voice in parliament, and that the queen, the prince, and the reſt of the royal iſſue, ought to remain where his majeſty ſhould think fit in either of his three kingdoms: The King was to protect all his ſubjects in the kingdom of England and Ireland who did join with the Scots in purſuance of this agreement, and the Scots were to admit all ſuch ſubjects for the proſecution of theſe ends.

Clarendon tells us, That this treaty (a treaſon almoſt as heinous and as deſtructive to the honor and intereſts of the Engliſh as that the King had made with the Iriſh rebels) he was induced to ſign by the ſame vicious logic which tainted all his councils; viz. that it was not to be obſerved farther than it ſerved the preſent turn; for when the armies which were to be raiſed for the King in England had joined with the Scots, they would not have power to exact theſe particulars, for every body would then be obliged to ſubmit to what his majeſty ſhould think fit to be done. The ſame author ſhrewdly obſerves on the treaty, That it contained ſo many monſtrous conceſſions, that, except the whole kingdom of England had been impriſoned with the King in Cariſbrook-Caſtle, it could not be imagined it could ever have been performed. The King prevailed with the Scotch commiſſioners to give way to his inſerting in the treaty a declaration, That by the clauſe of confirming Preſbyterian government he was not obliged to deſire the ſettling it, nor to preſent any bills to that effect. *Clar. Hiſt.* vol. III. p. 78, *& ſeq.*

cors

Ann. 1647. cors from abroad; and a correſpondence was carried on with the lord Inchiquin, in conſequence of whoſe undertaking the marquis of Ormond was to return into Ireland, and put himſelf at the head of the cavalier and Popiſh factions; the latter of which, being diſpleaſed with the ruinous and tyrannical proceedings of the nuncio, had now promiſed to put themſelves under his command.

CHAP. VI.

Second civil war.——Invaſion of the Scots.——The parliament repeal their proceedings againſt the King.——Treaty with the King renewed.——The civil war and invaſion ſuppreſſed.——The King ſeized again by the army.——Their remonſtrance againſt him.——Reſolutions of the parliament in his favor, and againſt the proceedings of the army.——The lower houſe purged.——The King's trial, execution, and character.——Arguments on the ſubject of the King's death.

THE vote of No more addreſſes had to appearance entirely cured thoſe jealouſies, which, to the terror of every patriot citizen, had ſo long ſubſiſted between the civil and the military powers. The ſame views and intereſts ſeemed to unite in a cloſe junction the parliament with the army, who preſented to both houſes a declaration, in which they avowed their reſolution to adhere to them in their proceedings againſt the King, and in the ſettling and ſecuring the kingdom without him *. The army were perfectly

* After the vote of Non-addreſſes had paſſed the upper houſe, the army declared a reſolution to preſerve the peerage of the kingdom, with

ſincere in theſe their profeſſions; but the parliament, Ann. 1648.
the majority of which were yet of the Preſbyterian faction, only diſſembled their ſentiments till a fit opportunity offered to avenge themſelves of a party whoſe principles they hated, and with whoſe meaſures they had very unwillingly co-operated. Whilſt the impatient public ſhewed themſelves willing to forfeit the reward of their toils, and return to their old ſtate of bondage, rather than longer endure the temporary expence of ſupporting the military eſtabliſhment, the parliament artfully heightened that impatience, by withſtanding the neceſſary ſupplies; and notwithſtanding the repeated remonſtrances made by the ſoldiers, on the neceſſity they were laid under to grieve and enrage the country, by living on free-quarter; notwithſtanding all the aſſurances given them on this ſubject by the two houſes; notwithſtanding all the ordinances paſſed both for their conſtant ſupport, and payment of their arrears; the public treaſure was diverted to other purpoſes, and the army left to ſhift for themſelves. When murmurs and preparations from all quarters threatened new commotions, the parliament inſiſted on the decreaſing the military force, by diſbanding ſupernumeraries; a command which was complied with by Sir Thomas Fairfax, but with this caution, that the ſupernumeraries on this occaſion diſbanded were the greater part of them thoſe who belonged to the old army, and whoſe officers were in the intereſt of the adverſe faction.

with the juſt rights belonging to the houſe of Peers. To appeaſe the jealouſy of the Lords, the Commons had made ſeveral ſuch declarations. *Parl. Hiſt.*

Whilſt

Ann. 1648. Whilſt the parliament was thus ſecretly conſpiring againſt the only body who were inclined or able to preſerve their authority, combinations, which viſibly tended to the reſtoring without terms the royal authority, were forming in every part of the three kingdoms.

SECURE and happy as was the preſent ſituation of the Scots, their commiſſioners, who had concluded the forementioned treaty with the King on the preſumption only that it would meet with the approbation of their countrymen, found on their return a large party, who, excited by pique, malice, prejudice, and covetouſneſs, were willing to endanger their preſent happy eſtabliſhment, and to embark a ſecond time in all the uncertainties of war, for the reſtoration of that power they had ſo largely contributed to deſtroy. The faction now formed in favor of the King, of whom the duke of Hamilton (who had obtained his liberty on the ſurrender of Pendennis-caſtle to the Engliſh parliament) was chief, caballed ſo ſucceſsfully as to procure, notwithſtanding the oppoſition of the marquis of Argyll, a parliament to be ſummoned. To this aſſembly all the ſhallow arguments diffuſed through the tedious remonſtrances of the Scotch commiſſioners to the parliament of England, were urged as grounds for entering into the King's quarrel; viz. That he was kept by an army of ſectaries in conſtraint and ſubjection; that every thing was carried in England as theſe ſectaries pleaſed; that, contrary to the tenor of the covenant between the two nations, the Engliſh parliament had refuſed to conſult with the Scotch commiſſioners, about the propoſitions ſent to the King for peace; that they had in

in reality depoſed the King, by ſtripping him of all Ann. 1648.
his prerogatives, and by voting no more addreſſes to him; that they had hindered the Scots from having acceſs to his perſon, though he was as much King of Scotland as King of England; and that Scotland ought to reſent this affront, as a manifeſt breach of their rights, and the covenant between the two kingdoms. The parliament were moreover aſſured by their commiſſioners, that no ſooner would Scotch troops enter England than all the Engliſh, except the army, would join them; and thus the government, being reſtored to freedom, would again unite with Scotland, and the covenant be punctually obſerved. Though nothing urged by the King's friends on this occaſion had any connection with the peace, ſecurity, and freedom the Scots at this time enjoyed, and that their propoſal of engaging againſt England (on the grounds of preſerving the King's authority) manifeſtly tended to the utter deſtruction of theſe bleſſings, yet the forementioned arguments had ſuch weight with the parliament, that, according to a motion of the royaliſts, a committee of twenty-four members was empowered to provide for the ſafety of the kingdom. This committee, who were almoſt all of the faction, and of whom the duke of Hamilton was preſident, on examining the ſtate of the kingdom, found it to be ſo deſperate as to neceſſitate the raiſing an army of forty thouſand men, and the calling over the forces who were engaged againſt the Iriſh Papiſts under Monroe.

THE faction, notwithſtanding they had carried matters thus triumphantly in parliament, found an oppo-

Ann. 1648. ſition in the kingdom, which tho' it did not prevent, yet it ſo far retarded their motions, as to preſerve the country from that ruin in which their deſtructive projects, had they ſucceeded, muſt neceſſarily have involved it. The unnatural conjunction of epiſcopalians with Preſbyterians, liberty-men and cavaliers (for the Scotch and Engliſh malignants were very active on this occaſion), not only ſtartled, but was regarded with horror by all thoſe who had a juſt value for their preſent ſecurity, or had any regard for civil or religious principle. It is true, the bigots of the nation would have ventured largely for eſtabliſhing Preſbyterian diſcipline in all the three kingdoms; but, for obtaining this purpoſe, to unite their forces to its inveterate enemies was ſuch a glaring contradiction, were means ſo oppoſite to the end, that the pretence of defending the covenant by the aſſiſtance of Papiſts, royaliſts, and prelatiſts *, could not impoſe on any man who had engaged from conſcientious motives in the former oppoſition to the crown. Eighteen Lords and forty other members of parliament entered their proteſt againſt the determinations of the committee; the commiſſioners of the general aſſembly remonſtrated ſtrongly againſt the intended armament, as deſigned for the deſtruction of the covenant, which it pretended to defend; and a committee of the Engliſh parliament, who had been ſent down on the firſt rumors of what was going forward in Scotland, played their part ſo well in foment-

* Sir Thomas Glenham, Sir Philip Muſgrave, Sir Marmaduke Langdale, and many others of the moſt notorious of the cavalier faction, had flocked to Edinburgh, to engage with the intended armaof that country.

ing

ing the diviſions of the country, that the levy of Ann. 1648. forces went on ſlowly and with great difficulty.

WHILST the King's friends in Scotland were making all poſſible diſpatch in their preparations for the invaſion of England, his party in this country, impatient at the delay, raiſed in every part of the kingdom tumults, conſpiracies, and inſurrections. Langhorn, Poyer, and Powell, three Preſbyterian officers, who commanded bodies of troops in Wales, encouraged by the promiſe of a conſiderable ſupply of money and ammunition from the queen, gathered together a large company of mutinous diſbanded ſoldiers, and declared for the King. In the North, Langdale and Muſgrave ſeized on the towns of Berwick and Carliſle; and, to confound the hopes, and diſmay (if poſſible) the courage of the Independents, a part of the fleet, inſtigated by their late commander, Batten, whom the Independents had diſplaced, and put Rainſborough (a man of great repute with that party) in his room, ſet their new admiral on ſhore, and ſailing over to Holland, ſubmitted firſt to the command of the duke of York, who had eſcaped from St. James's, and then to the prince of Wales, who came from Paris for that purpoſe. In Kent, by the perſuaſion of one Roger Leſtrange *, a man of a Quixotte genius and a flowery elocution, an idle party put themſelves under the command of young Hales, a ſtripling without expe- Second civil war.

* Leſtrange, in the firſt civil war, had been apprehended for a deſign to betray Lynn in Norfolk to the King, and had with difficulty eſcaped a ſentence of death.

Ann. 1648. rience or weight; but were afterwards joined by the ſtaunch cavaliers under the earl of Norwich, father to the lord Goring. Lord Capel, Sir Charles Lucas, Sir George Liſle, excited commotions in Eſſex; and the earl of Holland, who ever had changed ſides according to the probability of ſucceſs, collected forces in Surry. Encouraged by theſe appearances, the individuals of profligate manners of the vulgar rank, who, by the rigid authority of the government, had been conſtrained to preſerve a decency of conduct, flocked together in the metropolis, and in other capital towns; and when, contrary to the laws, they repaired to their ſports and drunken recreations on the Lord's day, they ſet upon the magiſtrates who would have put a ſtop to their licentious revels, and repeatedly exclaiming, "For God and King Charles," broke out into ſuch outrageous tumults, that, in London, Sir Thomas Fairfax himſelf was obliged to make head againſt them.

WHILST the army was in every quarter of the kingdom engaged in a vigorous defence of themſelves and country, and the lower houſe was well thinned of the Independent members, who were employed in their military occupations, the Preſbyterians in parliament, ſeizing on the favorable opportunity, reaſſumed their old project of eſtabliſhing their tyranny by a junction with the crown. The city had, encouraged by the diſtance of their military maſters, petitioned for the reſtoration of their authority over the city militia; that their impriſoned magiſtrates

giſtrates and fellow-citizens might be ſet at liberty; Ann. 1648.
and for a perſonal treaty with the King *. All theſe requeſts of the city were no ſooner made than granted. By the ſame influence, orders which had been given Skippon to raiſe levies, for the preſervation of the public peace, were countermanded; the eleven impeached members were recalled †; the votes of Non-addreſſes were repealed; and the Commons in a declaration proteſted, That they would not alter the fundamental government of the kingdom by King, Lords, and Commons; that they were reſolved to preſerve and maintain the ſolemn league and covenant between the two kingdoms of England and Scotland; and that they would be ready to join the Scots in the propoſitions agreed upon between the two kingdoms, and preſented to his majeſty at Hampton Court ‡. In conſequence of theſe reſolutions, five peers and ten commoners were ſent as commiſſioners to Newport, in the Iſle of Wight, to renew the treaty with the King, who was freed from the cloſe reſtraint he had been under for ſome months, and, with very few exceptions, allowed to ſummons and adviſe on this important tranſaction with his old friends and counſellors.—Had this ſtrong ray of re-

The parliament repeal their proceedings againſt the King.

Treaty with the King renewed.

* Petitions now poured in from all quarters, for a perſonal treaty and ſpeedy agreement with the King.

† Part of the charge ſent up by the army againſt the eleven members was, That they had caballed with the queen for the raiſing a ſecond civil war, and had invited the Scots and other foreign forces to invade the kingdom. *Parl. Hiſt.* vol. XVI. p. 74.

‡ The Preſbyterian intereſt was at this time ſo ſtrong in the lower houſe, that theſe votes were carried without any diviſion.

turning

Ann. 1648. turning fortune not intoxicated the cavaliers to a degree which excites both laughter and contempt, the army, brave and veteran as they were, would have found it a difficult matter to overcome the united force of almoſt the whole nation: But this doating faction made ſuch open diſcoveries of the malignancy of their deſigns, that the Preſbyterians were, to a clear demonſtration, convinced their intention was to reſtore the King without terms, and to ruin both the Preſbyterian and Independent intereſts: "Reſtore the King to his due honor and juſt rights, according to the oaths of ſupremacy and allegiance, that he may forthwith be eſtabliſhed in the throne, according to the ſplendor of his anceſtors; conduct him to Weſtminſter with honor and ſafety; diſband all armies with ſpeed;" were the ſtyle of the petitions preſented by the cavaliers on this critical occaſion; and preſented too with an arrogance of manner, if poſſible, ſuperior to the unreaſonableneſs of their demands *.

THE parliament, diſmayed with the view of their own danger, ſhould the avowed intentions of the royaliſts take place, ſhrunk back from their former forwardneſs †; and the city kept themſelves quiet,

* Whitlock ſays, That the countrymen who carried this petition up to the houſe, being almoſt drunk, abuſed the guards, and aſked them, Why they ſtood there to guard a parcel of rogues? that both ſides growing warm, the countrymen fell upon the guards, and killed and wounded ſeveral before the aſſiſtance of more ſoldiers could be had. *Whitlock's Memorials.*

† Several ordinances were at this time paſſed, for the incapacitating any who had borne arms againſt the parliament for ſerving in any public office, and for the baniſhing malignants and Papiſts to the diſtance of twenty miles from the capital. The cavaliers were detected in the private liſting of ſoldiers, and in raiſing horſe and arms in and about London. *Ruſhworth*, vol. VII. p. 1174.

nor engaged with any of the inſurgents *, who, not Ann. 1648.
having obſerved concert in their ſeveral inſurrections, were in a ſhort time, with little difficulty, ſubdued. The revolted troops in Wales, having been attacked and defeated by colonel Horton, threw themſelves into Pembroke-Caſtle, where they were cloſely beſieged and taken by Cromwell: Langdale and Muſgrave, in the North, were oppoſed with ſucceſs by Lambert: at Kingſton the earl of Holland was defeated and taken priſoner by Sir Michael Liveſey †: at Maidſtone lord Fairfax ‡ routed the Kentiſh men;

* After the royaliſts had plainly manifeſted their hopes and intentions, a petition was preſented to the parliament by the citizens, wherein they expreſſed their diſlike to the inſurrections which had been raiſed, and deſired the parliament to adhere to their vow and covenant, the conſtant tenor of their former declarations, and not recede from their firſt and juſt principles, viz. The ſafety of themſelves and thoſe who adhered to them, the reformation and preſervation of religion, and the maintenance and defence of laws and liberties. *Parl. Hiſt.* vol. XVII. p. 297.

† With the earl of Holland had engaged the duke of Buckingham, and his brother lord Francis Villiers. On account of the tender age of the duke of Buckingham, the parliament generouſly offered him an indemnification, on condition of his ſurrendering himſelf, and engaging never again to take up arms againſt them: The duke refuſed the favor, and made his eſcape to Holland. His brother, who had braved the ſoldiers, and had refuſed to ſurrender, was killed on the field of battle. *Parl. Hiſt.* vol. XVII. p. 333.

‡ Sir Thomas Fairfax had, by the death of his father, attained to the title of Lord Fairfax.

and

Ann. 1648. and purſuing the broken troops, forced them and the Eſſex inſurgents to ſhut themſelves up in the town of Colcheſter; to which place, as his troops were very inferior in number to the enemy, he laid a formal ſiege. To humor the ſailors, the earl of Warwick was replaced in his old command; a new fleet was manned; and the prince of Wales, after a fruitleſs attempt upon Yarmouth, and lying ſome time in the river Thames, braving the city of London, and taking ſeveral of their rich merchant ſhips, was obliged to retire to Holland *. To this coaſt he was purſued by the earl of Warwick, whoſe fidelity he had in vain attempted; and the States having intimated that they ſhould not think themſelves obliged to defend his ſhips, were they demanded by the Engliſh parliament, he gave up his naval command to prince Rupert †, who failed with the fleet to Ireland.

Clar. Hiſt. vol. III. p. 123.

Invaſion of the Scots.

DURING theſe numerous tranſactions, the duke of Hamilton, the prime mover of the engagement which had taken place in Scotland in favor of the King, entered England with an army of twenty thouſand men ‡: but ſuch miſtruſt had the cavaliers from their impru-

* The Independents, on theſe exploits of the prince of Wales, had made in the lower houſe an unſucceſsful motion for declaring him a rebel and a traitor to the commonwealth. *Parl. Hiſt.* vol. XVII. p. 385.

† On the ſurrender of Oxford, the princes Rupert and Maurice were included by the general in the benefit of its capitulation; but were afterwards commanded by the Commons to leave the kingdom. *Parl. Hiſt.* vol. XIII. p. 473.

‡ Leſley, cajoled with the title of lord Newark, had reſigned his pretenſions to the duke of Hamilton. Clarendon ſays, he had no mind to venture his honor againſt Engliſh, unleſs aſſiſted by Engliſh.

imprudence incurred, that he durſt not unite his forces with thoſe under the command of Sir Marmaduke Langdale *. Lambert, who had received particular orders from Cromwell not to engage with the Scots till he came up, retiring before theſe invaders, joined the lieutenant-general. When the junction had taken place, the army under Cromwell did not amount to more than eight thouſand men; but as this valiant commander had entertained, in an high degree, both contempt and averſion † for the Scots, he hurried to the place of action as to a ſcene of certain victory. The cavaliers under Langdale, who lay detached from the Scotch army, were attacked by Lambert, and, making a ſtout reſiſtance, were many of them cut off; the reſt were purſued into the Scotch quarters. The Scots, who lay diſperſed in a negligent manner, were an eaſy prey: without making any conſiderable defence, they were almoſt all taken priſoners, and the general, being purſued to Utoxeter, ſurrendered himſelf to colonel Waight, who had lately gained a victory over ſome forces which had been raiſed in the ſhires of Huntingdon and Cambridge. Cromwell, to complete his Ann. 1648.

* The ſtrong remonſtrances of the church, and the influence of the marquis of Argyll, had obliged the Scotch parliament to paſs an order, that thoſe who had not taken, or did refuſe to take the covenant, ſhould not be received into their army, nor joined with on their entrance into England.

† In a meeting of the Scotch commiſſioners with Hollis and other Preſbyterian members, at the houſe of the earl of Eſſex, it had been propoſed to impeach Cromwell, for acting the part of an incendiary between the two kingdoms; and the Scots, after their ſecond coming into England, had particularly objected to his commanding a party which were to be ſent into the northern counties.

Ann. 1648. work, marched without loſs of time into Scotland, where, being joined by Argyll and the Kirk faction, he procured the ſurrender of Berwick and Carliſle, which the Scots on their entering England had taken poſſeſſion of, obliged Lanerick and Monroe to lay down their arms, and ſubjected the whole party to the power of their adverſaries *.—The royaliſts ſhut up in Colcheſter, in hopes that they ſhould be relieved by a victorious army of Scots, had undergone almoſt the utmoſt extremities of famine; and, on account of this obſtinacy, they were required by Sir Thomas Fairfax to ſurrender at mercy. The officers would have perſuaded the common ſoldiers, whom they had drawn into the ſcrape †, to attempt the breaking through, or to ſell their lives a dear purchaſe: but theſe men, to

* The following were the conditions ſubmitted to by the King's party: That both the armies ſhould be diſbanded: That a parliament ſhould be called to ſit before the twentieth of January: That the ſettling of religion be referred to the determination of the general aſſembly, and all civil queſtions to the determination of parliament: That a new committee of eſtates be appointed, to conſiſt only of ſuch members as proteſted in parliament againſt the late engagement; and in caſe any of the forces under Monroe ſhould continue in arms, then the ſaid committee ſhould raiſe forces to ſuppreſs the ſame: That none who had been acceſſary to the late engagement ſhould be challenged to take away their lives or eſtates, &c. provided they did declare under their hands-writing, to the lord chancellor or preſident of the committee of eſtates, that they accepted of and ſubmitted to the preſent engagement: That all perſons taken in war, ſince the ſecond of Auguſt, ſhould be releaſed.

† Sir Charles Lucas and the reſt of the commanding officers had, with much importunity, prevailed on the common ſoldiers not to accept of terms of indemnity, offered by the parliament in the beginning of the inſurrection.

whom

whom Fairfax had promiſed pardon, not only refuſed Ann. 1648.
the acting ſuch a piece of gallantry, but threatened to open the gates to the enemy if their commanders did not ſurrender. The terms inſiſted on by Fairfax were in this neceſſity ſubmitted to; and the humane general, though he had been provoked by many irritating circumſtances in the conduct of the beſieged, only ſelected the two chief commanders, Sir Charles Lucas and Sir George Liſle, both of them implacable malignants, as a ſacrifice to military juſtice *.

THOUGH the vote to renew addreſſes to the King had paſſed the lower houſe on the twenty-fourth of May, yet, by the arts of the Independents, whoſe numbers and aſſiduity could puzzle though they could not lead the debates, it was the twenty-eighth of July before the conditions of the treaty were ſettled, and the eighteenth of September before it commenced: a delay which had given the army time ſo entirely to ſubdue the King's partizans, that Cromwell had defeated the duke of Hamilton, and Fairfax had reduced Colcheſter, before conferences began †. Cir-

Civil war and invaſion ſuppreſſed.

* The engaging the kingdom a ſecond time in war, and making another deluge of blood, was regarded by the Independents as an unpardonable crime; they had always recommended the treating the firſt delinquency with mildneſs.

† It is told us by a journaliſt of theſe times, That, among the arts uſed by the Independents to protract concluding the treaty, the ſpeaker complained to the houſe, that his health neceſſitated his confinement for ſome time under a courſe of phyſic; that on this pretence the Independents, in a thin houſe, carried the vote for an adjournment for ſix days; but the Preſbyterians perceiving their enemy's drift by deſire of the Lords, revoked the vote of adjournment. *Mercurius Pragmaticus.*

Ann. 1648. cumſtances thus critical, it was imagined, would have induced the King to ſuſpend the exerciſe of argument, and to have joined the parliament on any terms. It was with a view to accelerate a buſineſs, on the diſpatch of which the fate of the party and the King's life depended, that the commiſſioners abſolutely refuſed to permit his train of counſellors to be preſent, or to enter into reaſoning with any but himſelf. This prudent caution was without effect; every minute article of the offered conditions was canvaſſed, and the argument for two whole months as pertinaciouſly ſuſtained by the King, as if the matter on which conſequences ſo tremendous depended had been a warfare of wit, and mere tryal of ſkill: here the *jus divinum* of epiſcopacy was ſmartly attacked by the parliamentary theologians, and, with the ſame arguments as are conſtantly urged by the divines on that ſide the queſtion, obſtinately defended by the King; who, on the point of religion, would notgratify the parliament with the alienation of church-lands, or with a farther eſtabliſhment of the preſent church government than its continuation for three years *. The utter extirpation

* The King aſſented, on the article of religion, to the taking away archbiſhops, chancellors, commiſſaries, and all other ſubordinate eccleſiaſtical officers; to confirm the preſent form of government for the term of three years, and to ſuſpend the exerciſe of epiſcopal government, and the power of ordination in biſhops, till the King and the two houſes could agree concerning the point of church-government.

On the authority of the following anecdote, it is obſervable, that either the King's religious ſcruples in regard to the church were feigned, or the conceſſions now drawn from him entirely againſt the dictates of his conſcience. During the King's reſidence with the army, when he was indulged with the attendance of his chaplains, to Dr. Sheldon (whom he uſed as his confeſſor) he ſhewed a paper, containing

of epiſcopacy, and the ſetting up their own idol in its ſtead, was the ſuperior conſideration for which, it is plain, the Preſbyterians had entered into the hazard of war: This was the chief cauſe of their quarrel with their old aſſociates, the Independents; and the not being fully gratified on this article by the King, was, in their eyes, loſing the beſt fruits of their ſucceſs *. In vain did Charles aſſent to the recalling his proclamations and declarations againſt the parliament, and to the acknowledging they had taken arms in their own defence; that they ſhould retain, during the term of twenty years, the whole power of the militia, with a right of reſuming it afterwards, when they ſhould declare it neceſſary for the public ſafety; that all the great officers, during twenty years, ſhould be filled by parliament; that all the acts under their great ſeal ſhould be valid, and thoſe under his own annulled; that the entire government of Ireland, and the conduct of the war there, ſhould be in both houſes;

Ann. 1648.]

taining ſeveral vows which he had covenanted with God to perform: One was, to do public penance for the ſentence he had ſuffered to paſs on Strafford, and the injuries he had done to the church of England; another was, that were he ever eſtabliſhed in his throne, he would give back to the church all thoſe impropriations held by the crown; what lands he (the King) did or ought to enjoy, which had been taken away either from any epiſcopal ſee, cathedral or collegiate church, abbey, or other religious houſe; and that he would hereafter hold them from the church, under ſuch reaſonable fines and rents as ſhould be ſet by conſcientious perſons. *Perinchief's Life of Charles the Firſt.*

* Several individuals of the Independents and Preſbyterians had bought large properties in the church-lands, and were, from motives of intereſt, equally diſſatisfied with the King's refuſing his aſſent to their alienation.

Ann. 1648. houſes; that the power of the Wards ſhould be given up, in lieu of one hundred thouſand pounds a year*; and that no peers ſhould be hereafter created by him, without conſent of Lords and Commons †. The parliament's commiſſioners, with earneſtneſs and even tears, aſſured the King, that all his conceſſions would be uſeleſs, unleſs he gave up the point of epiſcopacy: he abſolutely refuſed farther yielding on this article, and the parliament voted his conceſſions unſatisfactory ‡.

FORTY days had been aſſigned by the parliament for the continuation of the treaty §; in the hope of

* Mr. Blackiſton, an Independent member, made a fruitleſs motion againſt granting the King an allowance in lieu of the Wards. That court, he ſaid, was firſt intended for the good of orphans, though it had proved their ruin and deſtruction; that the cuſtom of wardſhips was not meant that kings ſhould make a prey of them and a revenue to themſelves, but that they ſhould take care of the eſtates and education of orphans; that ſince what was deviſed for a remedy had by long experience appeared the bane of the fatherleſs, it was unreaſonable of the King to expect a recompence for aboliſhing what was never intended to be, though through corruption of time it had been made, a part of his revenues. *Parl. Hiſt.* vol. XVIII. p. 124. *& ſeq.*

† The public debts were to be paid by new taxes on the people.

‡ The Commons voted the King's conceſſions unſatisfactory in the articles of religion, of delinquents (he refuſing that any ſhould be excepted from pardon), and of Ireland (he refuſing to declare againſt the proceedings of the marquis of Ormond). It is to be ſuppoſed, that the Preſbyterians, had the King entirely gratified them on the ſubject of religion, would have been ſatisfied with his conceſſions on the other articles.

§ Sundays and feaſt-days were excepted out of the forty days allotted to the treaty. *Parl. Hiſt.* vol. XVIII. p. 85.

conquering

conquering the King's obſtinacy, it had been at three Ann. 1648. different times prolonged, and had already laſted near two months, when the army, who were now collected together, after their victorious campaign, took an effectual meaſure to prevent any farther proceedings. A remonſtrance, the reſult of a council of war which had been called at Windſor by the lord Fairfax, was preſented, in the name of the whole army, to the Commons*, whilſt in the midſt of an eager debate on the buſineſs of peace; and was accompanied with a letter from the general, who recommended it as a matter of the higheſt importance, both to the army and the whole kingdom. It demanded juſtice on the King for the evils he had brought on a people, whom, by the laws of religion, morality, and nations, he was bound to protect. It argued, that as in the late quarrel both ſides had appealed to God for judgment, *that* righteous judgment had given it againſt the King. It accuſed the parliament of vice and weakneſs in their counſels; and that their unſettled conduct, in repealing their juſt determinations, had filled the wicked with vain hopes, and diſtracted the giddy multitude, to the renewing ſcenes of blood, and to the raiſing dangers to the army and kingdom, which nothing but the invincible courage of the former could have overcome. It expoſed the inſidious conduct of the enemies to the public weal, the credulouſneſs of the Commons in being led into their ſnares, the eagerneſs of the Lords to forward miſchievous counſels, and their backwardneſs in cloſing with meaſures cal-

Remonſtrance of the army againſt the King.

* It was preſented by colonel Ewer, attended by ſeveral officers.

culated

Ann. 1648 culated for the defence of the kingdom. It argued, that breach of truſt in a governor, or attempting by force to enlarge a limited power, did effectually diſſolve ſubjects from every bond of covenant and peace; and that the crimes the King had acted againſt his people were the higheſt treaſon againſt the higheſt law among men. It ſhewed, that the King's hardneſs of heart, in never acknowledging his offences, rendered him an unfit object for pity, mercy, and pardon. It aſked, What fruits could be hoped for from a reunion of ſuch contrarieties as principles or affections of liberty with principles of tyranny, principles of public intereſt with principles of prerogative and particular intereſt, principles of zeal and the power of godlineſs with principles of formality and ſuperſtition? It challenged the parliament to ſhew one inſtance when the readmitting a prince, whom his people had oppoſed and ſubdued, to the regal office, ſtate, and revenue, with the leaſt ſhadow of power, ever proved ſafe, either to the public intereſt in conteſt, or to the perſons engaged in conteſt. It ſhewed, that whilſt the King and his party openly complained of his want of freedom in the tranſaction of a treaty, they laid grounds for reſcinding, with a plauſible color of reaſon, every conceſſion the parliament in that condition had extorted from him; that though, ſince the King had been worſted by the parliament, he had been neceſſitated to have recourſe to peace, yet, with the credulous people, he would come in with the reputation of having long graciouſly ſought it; that he would come in with the reputation of having granted, for peace-ſake, all that the parliament (who,

(who, it would be ſaid, were unwilling to have peace) Ann. 1648. had rigidly ſtood on *.

* He, it would be ſaid, farther proceeds the remonſtrance, was the only true father to his people, whilſt the parliament had proved their cruel foſter-fathers; he the reſtorer of their beloved peace, eaſe, and freedom, which the parliament had cheated them of ſo long; he the reſtorer of their trade and plenty, which the parliament had thus long obſtructed; he, as a conqueror in ſuffering and patience, a denier of himſelf for the good of his people, who would not only be lulled and cheated into a ſecurity of any apprehenſion of evil from him, but poſſeſſed with expectations of good, and their jealouſies only awakened againſt the parliament and their adherents. The parliament, if they acted as honeſt men, muſt heighten this prejudice into perfect hatred, by continuing taxes and impoſitions for the maintenance of a ſufficient force to ſecure the ſafety and intereſt of the people; otherwiſe the King, ſupported by a numerous party, who, from intereſt and neceſſity, were engaged in his cauſe, might renew the quarrel with greater advantage than ever, and the people, wearied with the former war, would let him have every thing he demanded, rather than renew the conteſt, even to the ſacrificing of thoſe who had formerly oppoſed him.—But, continues the remonſtrance, if, to ſecure that little advantage to public intereſt which in the preſent way you have gained, you continue a ſufficient ſtrength, and therewith taxes and impoſitions to maintain it, it muſt naturally produce jealouſies and heart-burnings; which to foment and inflame to the height, and thereby to ſweeten and endear the King with the people, will be his and the cavaliers ſureſt play; and otherwiſe, to ſit that while, if they have but patience, as ſtill as lambs. How colorable and plauſible will it be for them to ſuggeſt, and how apt for the people to receive, that the King is no way to be blamed for any ſuch burthens; he, good man, has yielded to every thing, and done what he could to prevent them; he does not give his conſent to them, the parliament does it without him; he is bound up and excluded from his wonted negative voice, otherwiſe he would refuſe and hinder them; theſe hardſhips it is not in his power to help, he can only pity his people, who may now ſee what they gain by parliaments, and how much it is their common prejudice to have their King excluded from his negative voice, and the parliament free to proceed in any particular without him.

Ann. 1648. THE Independents, from all quarters and in all

him. Thus eaſily may the people be deluded into a reſentment of that which is the King's intereſt, as if it was their own; and if they be once heightened into a reſolved with-holding of payments for the maintenance of that neceſſary ſtrength you keep for the common ſafety and peace, you muſt either give the King his end, in diſſolving your forces, or uſe ſuch ways of power and rigor towards the people, as will enrage them higher againſt you, and endear and engage them more to the King and his intereſt, colorably in point of their liberties then, as well as their eaſe before; until at laſt the people, joining with and being headed by the King and his party, will force you either to give up all, or to make a war againſt the poor deceived people for that which is really their own cauſe: and the King by the people, as it were for their proper liberties and ſafety, may make war againſt you, to the erecting his own, and the overthrow of the common intereſt. What you contend for are the general, fundamental, and perpetual liberties of the public; for the preſervation of which you will be forced to preſs upon the people in particular matters, againſt their preſent eaſe and freedoms; and the people being ordinarily more affected with the latter, as more immediate and ſenſible, and leſs with the former, which are more remote and to them leſs intelligible, the King, cloſing with them under pretence of the latter, which they can feel, may eaſily engage them to the prejudice of the former, which they can hardly diſcern, and be wrought to gain back for him whatever he has granted, without his appearing to make any breach for his own intereſt. Upon this ſingle ground many nations, by like accommodations with their beaten tyrants, have, from the faireſt attempts and hopes of Liberty, fallen to an utter loſs of it, and been made the inſtruments of their own abſolute bondage.—We might alſo farther reflect upon the advantages of the King's numerous party, engaged by humor, intereſt, and neceſſity, to ſerve him; a party embittered and enraged, but not diſabled or diſcouraged from farther attempts againſt you. We might mention their great families and relations, their influences within the kingdom; and we might enlarge upon the conſideration of the two other kingdoms he hath to work by, from which we have found ſuch powerful parties ready to ſupport his intereſt; whilſt he, by a ſuppoſed impunity, hath encouragement to make all poſſible trial of them: but this being once confuted, by an

departments, encouraged by the multiplied ſuc- Ann. 1648.

an example of juſtice upon him for ſuch attempts, they would not then be, in divine conſiderations, at all to be feared, or, in prudential conſiderations, not ſo much, in relation to his poſterity's heading of them.—Beſides theſe, we cannot but conſider much more the vaſt poſſibilities, after his reſtitution, to make parties, factions, and diviſions amongſt yourſelves and your now-adherents; and to ſet one againſt another, to make one betray another, ſo by one to ruin another; and, by making uſe of all intereſts, to ſet up his own above all. Have you not found him at this play all along? and do not all men acknowledge him moſt exquiſite at it? If he has had the faculty to avail much in this kind when at a diſtance from you, will he not much more when ſo near you, amongſt you, in your boſoms and councils? For diviſions, we ſpeak it with depth of ſadneſs, he needs not come to make any amongſt you, but to uſe them; they abound woefully already; and for his opportunities of advantage by them, they are great beyond conception. Firſt, from the jealouſies which each party is apt to have of the others ſtrengthening themſelves, to the prejudice of the other, by conjunction with him and his; and which he and his creatures have a faculty to feed in each of them, it is more than probable that each party will be apt to ſtrive which ſhall moſt and firſt comply with him: Have not you and we ſeen ſad experiences of this already? Give us leave to be more affectionately ſenſible of this, as having had ſome experience of temptations towards it amongſt ourſelves: We ſay temptations towards it from the King and his party, as ſtrong and ſubtile as are imaginable, though we bleſs God, by whom we were preſerved in our integrity, and not given up to, but delivered from, ſuch wretched apoſtacy. And we can truly ſay, that although (through the example of others, partly neceſſitating us for the preſent prevention of that miſchief to the public they were running into in that kind, as we apprehended) we were drawn into ſome negative compliances, tending to moderation, which we thought to be, and in its place is, a real good; yet firſt, we never ſought, but were ſought unto; and notwithſtanding all overtures and temptations, we did abhor the thought of, and ſtill profeſſedly refuſed any thing of conjunction with him or his, in relation to the affairs of that time, or aught of private contract or truſt with them.

Ann. 1648. ceſſes of the army, had preceded this remonſtrance with numerous petitions of the like nature and ten-

After the remonſtrance had thus plainly and clearly ſhewn the dangers attending the admitting an enraged, deſigning, and experienced prince to any degree or appearance of power, it demanded, that the King ſhould be brought to juſtice, as the capital cauſe of all the evil the kingdom had ſuffered, and of all the blood which had been ſhed; that a timely and peremptory day ſhould be ſet for the prince of Wales and the duke of York to ſurrender themſelves, under penalty of being declared incapable of government, or of having any right in England, and being exiled as traitors; that the revenue of the crown ſhould be ſequeſtered; that public juſtice ſhould be done upon the chief cauſers or actors in the war; that the reſt, upon ſubmiſſion, ſhould have mercy for their lives; that the ſoldiers ſhould have their arrears; that thoſe who had ventured their lives, and laid out their eſtates for the public, ſhould be paid out of the fines of delinquents, and the eſtates of thoſe ſecluded from pardon; that a certain period ſhould be put to the parliament, when they had finiſhed the buſineſs of public juſtice; that there ſhould be a certain ſucceſſion of future parliaments, annual or biennial, with ſecure proviſion for the certainty of meeting, for equal diſtribution of elections, and that none who had engaged in the late wars, or ſhould engage againſt the right of parliament and kingdom, or adhere to its enemies, or ſhould oppoſe this ſettlement, ſhould be capable of election, on being elected for ſome years; that it ſhould be declared, that the repreſentatives have the ſupreme power of government, provided they may not queſtion any man, after the end of this parliament, for any thing ſaid or done in reference to the late war; that they may not render up, give, or take away any right, liberty, or ſafety contained in this ſettlement or agreement; that there ſhould be a liberty of entering diſſents in the ſaid repreſentative, in caſe of corruption in theſe higheſt truſts, that the people, diſcerning who are free and who guilty, may not truſt ſuch for the future; and that no King be hereafter admitted but upon election, and as upon truſt from the people, by ſuch their repreſentative, nor without firſt diſclaiming and diſavowing all pretence to a negative voice againſt the determination of the ſaid repreſentative, or Commons in parliament. Theſe general heads propounded to be done by this parliament, the remonſtrance ſaid, were to be farther eſtabliſhed by a general contract or agreement with the people,

dency *; and the different bodies of the army had addreſſed their general officers on the ſame ſubject. As the parliament (who were yet in hopes of conquering the King's obſtinacy, and, by an agreement with him, of uniting all parties in defence of the preſent government, againſt the Independents) had forborne to give anſwer to theſe petitions, or to the remonſtrance of the army, Hammond, who had refuſed obedience in the article of delivering up the King, was commanded to attend the general at the head-quarters †; Colonel Ewer was ſent down, with orders to keep the King in ſtrict cuſtody; and, in a few days afterwards, he was conveyed to the garriſon of Hurſt caſtle, in the neighbourhood of the iſland ‡.

Ann. 1648.

The King ſeized again by the army.

people, with a proviſo that none ſhould be capable of benefit by them who did not conſent and ſubſcribe to the agreement; and that no King ſhould be admitted to the crown, or other individual to any office of public truſt, without expreſs accord and ſubſcription to the ſame.

* In theſe petitions it was demanded, that kings, queens, princes, dukes, earls, lords, and all perſons alike, ſhould be liable to the law of the land. The deſigning to ſubject them to equal judgment, was a great offence to the ariſtocratic party: It was on ſuch grounds only that the Independents were termed Levellers; ſince, in the ſame petitions in which they make theſe juſt demands, they inſiſt on the ſecurity of property.

In theſe petitions, the Commons had been deſired to declare themſelves the ſupreme authority of the nation. *Ruſhworth*, vol. VII. p. 1257. *Parl. Hiſt.* vol. XVII. p. 451, *& ſeq.*

† Colonel Hammond, perſiſting in the reſolution to obſerve ſtrictly the orders of the parliament in the diſpoſal of the King, was kept under confinement at the head-quartets, till the army had ſecured his perſon.

‡ It has been aſſerted, by ſome of Charles's admirers and panegyriſts, That when the army's deſigns againſt his life grew obvious, he

Ann. 1648. Reſolutions of the parliament in favor of the King, and againſt the proceedings of the army.

THE Preſbyterians were intoxicated with rage on the intelligence of theſe violent tranſactions; and, aſſuming courage from deſpair, ſet aſide in parliament the remonſtrance of the army, without deigning to anſwer it; voted the ſeizing the King's perſon to be

he was exhorted by his friends to make his eſcape, but refuſed on a nice point of honor, having given his word to the parliament not to attempt an evaſion during the treaty, nor three weeks afterwards. This, had it been true, would have been very inconſiſtent with the conſtant tenor of the King's paſt conduct, and a very refined delicacy; ſince, as the parliament could no longer afford him protection from violence (a circumſtance underſtood in the engagement), it could no longer be binding; and the King was ſo far from regarding himſelf tied up by his parole in this particular, that, before matters had come to this extremity, he wrote ſix preſſing letters to Sir William Hopkins on the buſineſs of forwarding his eſcape; and in theſe letters ſays, That the great conceſſions he had made on the articles of the church, militia, and Ireland, were to facilitate the means of an eſcape. Indeed the King, at this time, was ſo far from entertaining the nice notions of honor aſcribed to him, that, according to his wonted duplicity, he ſhewed the parliament's commiſſioners for the treaty a diſpatch he had made to the marquis of Ormond, requiring him to deſiſt from any farther proceedings with the Iriſh Papiſts, but took care to ſend him preceding private inſtructions to obey all the queen's commands, and not to obey any of his (the King's) public commands, until he ſent him word that he was free from reſtraint; not to be ſtartled at his great conceſſions concerning Ireland, for that they would come to nothing; and that though he (Ormond) ſhould hear that his treaty with the parliament was near a concluſion, yet not to believe it, but to purſue former inſtructions with all vigor: and tho' theſe private letters are dated the tenth and twenty-eighth of October, 1648, he declared to the parliament's commiſſioners, on the firſt of November, That, ſince the votes had paſſed the two houſes in the beginning of Auguſt, he had not tranſacted any affairs concerning Ireland but with them, the parliament's commiſſioners. *Appendix to the third edition of Wagſtaffe's Vindication of Charles the Firſt, the Martyr, proving that his majeſty was the author of Eikon Baſilike, printed at London in* 1711, *in quarto. Appendix to Carte's ſecond volume of his Life of James, duke of Ormond.*

without

without the conſent of parliament; ſent a meſſage to the general, to know by what authority that enterprize was executed; and iſſued orders that the army ſhould not approach the capital. The army, in return, publiſhed a declaration, in which they charged the parliament with a treacherous and corrupt neglect of, and apoſtacy from, the public truſt, repoſed in them; and the general, after writing to the city, that, for the prevention of all violence, they ſhould advance him forty thouſand pounds, marched ſeveral regiments to London, and quartered them in Whitehall, the Meuſe, St, James's, Durham-Houſe, Covent-Garden, and Palace-Yard. The parliament, though ſurrounded by the army, and deſtitute of all means of defence, attempted to cloſe with the King; and, in contradiction to their former votes that his conceſſions were not ſatisfactory, voted that they were a foundation for the houſes to proceed on in the ſettlement of the kingdom *. Additional regiments were now arrived, and filled the ſuburbs of London. The general by his own authority, ſet forth a proclamation, requiring all delinquents who remained in the town, on pretence of finiſhing the buſineſs of their compoſitions, to depart to the diſtance of ten miles for a month, on

Ann. 1648.

* The debates on this ſubject had been carried on, and ended with ſuch warmth, that the Independents taxed the Preſbyterians with deſerting the common cauſe and intereſt of the nation, and publicly declared they would no longer join in council with them. Ludlow, the ſame author from whom we have this account, tells us, That the ſecluſion of the Preſbyterian members was determined on in a meeting between the leading members of the lower houſe, who were of the Independent party, and the leading officers of the army. *Ludlow*, p. 104.

pain

Ann. 1648. pain of being proceeded againſt as priſoners of war; and as the citizens had not paid in the money demanded of them, he ſent three regiments into the city, took out of Weavers-Hall the ſum of twenty thouſand pounds, and aſſigned the reimburſement upon the arrears due to the army.

The lower houſe purged.

THE next day after the vote paſſed to proceed on the conceſſions of the King in the ſettlement of the kingdom, the Commons, found their houſe blockaded by two regiments of horſe, commanded by colonel Pride. Colonel Pride, directed by the lord Grey of Groby, ſeized in the paſſage forty of the moſt obnoxious members of the Preſbyterian party, and ſent them under confinement to the court of Wards. The Commons ſtill proved refractory, and inſtead of proceeding on the buſineſs recommended to them by the army, demanded the reſtoration of their members. By way of anſwer to this demand, colonel Whaley and colonel Axtel, at the bar of the houſe, preſented, in the name of the general and his council of officers, a paper, in which was propoſed, that the impeached members and major-general Browne (who, it was believed, had had a hand in calling in the Scots *) ſhould be ſecured and brought

* The following is the account given by Ludlow of Browne: "Colonel Browne, the woodmonger, being nominated by the parliament to be one of their commiſſioners ſent down to the Scotch army when the King was at Newcaſtle, he turned about to me, who ſat behind him in the houſe, and aſſured me that he would be ever true to us; and truly I then believed him, having met him at Smithfield, in the beginning of the war, buying horſes for the ſervice of the parliament, where he ſpoke very affectionately of their undertaking, and ſerved

to juſtice; and that the ninety-one members who refuſed to vote againſt the Scottiſh engagement, and all who voted for the recalling the four votes of Non-addreſſes, who voted for a treaty, and who concurred in the votes that the King's conceſſions were a ground for a ſettlement, ſhould be immediately ſuſpended the houſe. Several of the members againſt whom theſe propoſals were pointed, moved, That the officers who preſented them ſhould be declared traitors, and the army itſelf impeached of high-treaſon. Theſe motions of a few deſperate madmen paſſed unregarded by the houſe; and a committee was again ſent to the general, to expoſtulate with him concerning the ſecluded members: But the general refuſed to give any anſwer till he had received the reſolutions of the houſe on the propoſals he had ſent them.—As the Commons ſtill withheld the demanded ſatisfaction, the ſame rough expedient was repeated; and, the very day after the firſt force was committed, the ninety-one members in queſtion were, with equal violence, ſecluded the houſe. Ann. 1648.

CROMWELL, who, on his return from Scotland, had lain ſiege to Pontefract-Caſtle in Yorkſhire, to chaſtiſe in perſon the garriſon, both for the perfidy they had acted

ſerved them very ſucceſsfully, eſpecially at Abingdon. But this wretched man ſoon diſcovered the corruption of his nature, and the malignity which lay concealed in his heart; for no ſooner had the King caſt ſome ſlight favors on him, ſuch as the giving him a pair of ſilk ſtockings with his own hand, but his low and abject original and education became ſo prevalent as to transform him into an agent and ſpy for the King, proving, as will be hereafter related, one of the moſt bloody butchers of the parliament's friends."

Ann. 1648. in getting poſſeſſion of the place, and for a baſe murder they had committed on the valiant Rainſborough *,

* A party of forty horſe ſallied out of Pontefract-Caſtle, and paſſing with the guards for friends, three of them entered the town of Doncaſter, where, under pretence of bringing letters from lieutenant-general Cromwell, they were directed to colonel Rainſborough's lodgings. On the ſame pretence, they, unmoleſted, went up to the apartment where he ſlept; and the colonel, who expected that very morning the diſpatches they pretended to have brought, opened his door to them, when the aſſaſſins aſſaulted and killed him, and afterwards eſcaped without any alarm given.

Clarendon, who, to his eternal infamy, applauds every circumſtance of the foul unmanly deed, in a tedious narration, to which is annexed many improbable romantic circumſtances, tells the ſtory as if the aſſaſſins had only deſigned to take colonel Rainſborough priſoner, and that his death was occaſioned by the defence he made. But on many accounts it is apparent, that the truth is in this, as in many other parts of his Hiſtory, quite againſt him. Colonel Rainſborough had, by his republican ſpirit and zeal for bringing the King to juſtice, provoked to the utmoſt the rancor of the cavaliers. He had been ſo eminent a ringleader in forwarding the late attempts of that party in the army who were termed Levellers, that he had only eſcaped the ſevere cenſure of both houſes by making his peace with the general officers of the army; and it was not without great difficulty that the Lords could be brought to aſſent that Rainſborough, who, they ſaid, deſerved death for his ſeditious rebellious conduct, ſhould be appointed to command in the marine ſervice. Immediately after the council of war, on the King's retreat to the Iſle of Wight, had reſolved to bring him to trial, and before this reſolution was publicly avowed, Rainſborough laid aſide the coronet-device which he had carried when he firſt ſerved in the war, and took up the following; viz. The head of the King in profile, decollated, and ſtreaming as juſt ſtricken off by an arm holding an ax: above the head are placed, by way of motto, the well-known words of that celebrated republican Marcus Tullius Cicero (who vouched the truth of them with his blood), "*Salus populi ſuprema lex eſto.*" By the favor of a friend, in the permiſſion of examining an original manuſcript, in folio, of coronet-devices borne during the civil war on the King's and par-

on intelligence of what was doing and deſigned by Ann. 1648.
the army, left this taſk to Lambert, the major-general; and haſtening to that buſy ſcene of action, the capital, took his ſeat in the houſe, on the day immediately ſucceeding the ſecond force; an incident which in deriſion was commonly called Pride's purge. Cromwell received the hearty thanks of the Commons *, who reverſed their former vote, and again

parliament's ſide, I came to the knowledge of this anecdote; an anecdote which of itſelf ſufficiently accounts for the malice borne Rainſborough by the cavaliers; who had before, in the high-road between London and St. Alban's, attempted his life.

Colonel Morrice, the governor of Pontefract-Caſtle, and thoſe who had an immediate hand in the murder of colonel Rainſborough, being excepted perſons, made their eſcape before the garriſon ſurrendered; but Morrice, a profligate individual, who had formerly borne arms for the parliament, who was turned out of their army on account of the licentiouſneſs of his manners, and who had gotten poſſeſſion of the caſtle for the King by an infamous act of treachery againſt a truſting friend, with one cornet Blackbourne, who had had a hand in the fore-mentioned murder, were, in the year 1649, taken at Lancaſter, and afterwards arraigned for treaſon before baron Thorpe and judge Puleſton; by whom, for the crime of levying war againſt the kingdom, and other foul matters proved againſt them, they were condemned to die. Though the crimes for which Morrice was tried were fully ſufficient to provoke the vengeance of God and his country, yet Clarendon, that narrator of judgments, gravely remarks, That poor Morrice was taken in Lancaſhire, and happened to be put to death in the ſame place where he had committed a fault againſt the King, and firſt performed a great ſervice for the parliament. *Clar. Hiſt.* vol. III. p. 149.

* The Commons had returned their thanks to lord Fairfax, and had paſſed an ordinance for ſettling on him and his heirs lands to the value of four thouſand pounds a year. A letter of thanks had been ſent to Cromwell, whilſt in Scotland, for his good ſervices in that kingdom. *Parl. Hiſt.*

Ann. 1648. declared the King's conceſſions unſatisfactory, determined that no member who had been abſent when this vote paſſed ſhould be received till he ſubſcribed it, and repealed every vote which had been made in favor of the King and his party, declaring it high-treaſon for any perſon to make application on his behalf to either houſe: They alſo repealed the vote for reſtoring the impeached members. Sir William Waller, Sir John Clotworthy, Maſſey, Brown, Copley, and others of the Preſbyterian faction, were, by orders of the general and his council of war, committed to priſon; yet the Preſbyterians retained ſpirit enough to publiſh, in the name of the ſecluded members, a narrative of the violence put upon them, with a proteſtation that all acts from that time tranſacted by the Commons were legally void *. The Commons declared this publication to be falſe, ſcandalous, and ſeditious,

* Amongſt the ſecluded members was the famous Prynne, who had ſignalized himſelf for his ſufferings and acrimonious oppoſition to the power of prelates. He now publiſhed a virulently-penned proteſtation, in his own name, againſt the proceedings of the army. Prynne had made a ſpeech in the houſe, to perſuade them the King's conceſſions were ſufficient grounds for a treaty: it contains a complete narrative of all the tranſactions between the King, the houſes, and the army, from the beginning of the parliament; it takes up above one hundred and forty octavo pages, and kept the houſe ſo long together, that the debates on the queſtion, Whether the King's conceſſions were a ground, &c. laſted from Monday morning till nine o'clock on Tueſday morning.

Prynne afterwards, on being queſtioned concerning a pamphlet he had written againſt the proceedings of the houſe, denied its authority, and was taken into cuſtody; but not being thought of ſufficient conſequence to violate, on his particular, the freedom of the ſubject, was granted the benefit of the Habeas Corpus.

tending

tending to the deſtruction of the viſible and fundamental government of the kingdom, and reſolved that all perſons who had had any hand in framing or publiſhing it ſhould be incapable to bear office, or to ſit as members of either houſe.—The Lords, who, before this turn of affairs, had been very forward in preſſing for a perſonal treaty with the King, and for a conjunction with the Scots, and had been a great means to accelerate the laſt treaty in the iſle of Wight *, were now as forward to approve and confirm the oppoſite meaſures of the army †. They aſſented to all which had been tranſacted in the lower-houſe; and both houſes paſſed an ordinance, that no perſon who had been delinquents, or had aſſiſted the King againſt the parliament in the firſt or ſecond civil war, or had been aiding in bringing in the Scotch army, or had ſubſcribed to the treaſonable engagement in 1647, or had abetted the late tumults within the cities of London and Weſtminſter, or the adjacent counties, ſhould be elected, or give their voice for the electing the lord mayor or other officers ‡. To the committee charged Ann. 1648.

* It was with great difficulty the Lords could be brought to inſiſt on the alienation of church-lands, and other points which the King refuſed to give up. The Commons had voted, To inſiſt on the King's ſigning three bills formerly ſent him, and then to admit him to a perſonal treaty; but, by the perſuaſion of the Lords, they gave up this point.

† Ludlow ſays, That the Lords, who had avoided to declare the Scots enemies whilſt their army was entire, after their defeat prevented the houſe of Commons, and moved that a day might be appointed to give God thanks for the ſucceſs. *Ludlow*, p. 101.

‡ The city in vain petitioned the Commons for the repeal of this ordinance, on the pretence that, if it ſhould be put in force, ſo great

was

Ann. 1648. with the care of this ordinance it was recommended, to conſider of taking away the oaths of allegiance and ſupremacy, enforced upon the ſubject before they could be made free of the city.

DURING theſe tranſactions, the council of officers were deeply engaged in conſidering a ſcheme of government, called "The Agreement of the People." It contained, with many additions, the ſubſtance of thoſe demands which, in the name of the army, had been preſented to the houſe by colonel Ewer. It was the darling plan of the ſoldiery: for this they had threatened to divide from their officers; and for this, when it croſſed his private views, the agitators, by the influence of Cromwell, had ſuffered *.

PETITIONS now daily poured in from the garriſons and other parts, for ſpeedy and effectual juſtice on all delinquents. Even the county of Somerſet, which had diſtinguiſhed itſelf for its attachment to the King, preſented a petition deſiring that juſtice

was the number of thoſe who came within its cenſure, that there would not be left perſons ſufficient to fill the neceſſary offices. Ordinances that none who had borne arms againſt the parliament ſhould bear offices, or vote in elections, had paſſed before. *Parl. Hiſt.* vol. XVIII. p. 480. *Ruſhworth*, vol. VII. p. 807, 831, 1376.

* This agreement of the people had been recommended to the Commons in ſeveral petitions from the Independents, and was ſtigmatized by that houſe as deſtructive to the being of parliaments, and to the fundamental government of the kingdom. The Independents ſtill perſiſting in the preſenting petitions on the ſame ſubject, ſeveral of thoſe who carried them up were committed to priſon; and an ordinance paſſed, That no perſon who had contrived, abetted, perſuaded, or

might be done on the chief delinquents *. The county Ann. 1648.
of Norfolk, yet more explicit, requeſted that juſtice ſhould be done on the King. Purſuant to the demands of theſe petitions, and the repeated requeſts of the army, the Commons appointed a committee of thirty-eight to draw up a charge againſt the King. On their report, a vote paſſed, declaring it treaſon in a King to levy war againſt his parliament; and a ſpecial commiſſion was appointed to try the delinquent Jan. 2.
monarch on theſe grounds. The declarative vote and ordinance for the King's trial, were rejected by the Lords without a negative voice; but, on the fond hope that by an evaſive conduct they ſhould obſtruct the career of proceedings, they forbore to ſend down their determinations to the Commons, and adjourned for ten days. The Commons, jealous of their intentions, ordered their journals to be examined; when, on finding the ordinance utterly rejected, they voted, That all members of the houſe of Commons, and others appointed by order of that houſe, or any ordinance wherein the Lords are joined, are impowered to ſit and execute in the ſaid ſeveral committees of themſelves, notwithſtanding the houſe of peers refuſe to join with them; and the names of ſix Lords who had

or entered into that engagement entitled "The Agreement of the People," ſhould be elected into the mayoralty of the city of London, or any other ſubordinate office in the ſaid city, or ſhould have any voice in the election of the officers for the ſpace of one whole year.

* The Preſbyterians, in their propoſitions, had indulged the King with the exception of ſeven only of his party from mercy; but to this ill-deſerved lenity the Independents in the houſe had made great objections. *Parl. Hiſt.* vol. XVIII. p. 85.

been

Ann. 1648. been appointed of the ſpecial commiſſion were left out.—Nor was this all the reſentment the Commons expreſſed at the non-compliance of the Lords in this capital point, nor of the high and uncontroulable capacity in which they acted as the elected repreſentatives of the people. By the following votes they aboliſhed the negative voice of King and Lords, and eſtabliſhed a principle, which, though obviouſly founded in truth, has ever been obſtinately denied by authority: "Reſolved, That the people, under God, are the origin of all juſt power. Reſolved, That the Commons of England aſſembled in parliament, being choſen by and repreſenting the people, have the ſupreme authority of the nation. Reſolved, That whatever is enacted and declared law by the Commons of England aſſembled in parliament hath the force of law, and all the people are included therein, although the conſent and concurrence of the King and houſe of Peers be not had thereunto."

During the preparative meaſures to bring the King to a trial, he, by direction of the army, was removed from Hurſt-Caſtle to Windſor *: by the ſame

* In the King's remove to Windſor, a deſign was laid for his eſcape, by means of ſhifting his horſe for a fleet one of the earl of Newburgh, at whoſe houſe he dined; but, by the vigilance of major-general Harriſon, who commanded the party which guarded the King, it was prevented. The ſame vigilance, attended with the ſame ſucceſs, in Hammond, and in Rolph, the officer immediately under him in command, was ſo reſented by Charles's partizans, that one Oſborne, who had been won over by his careſſes, and who was detected in contriving the means of his eſcape, accuſed Rolph, and by inſinuation the governor Hammond, with a deſign to poiſon him. Though

ſame authority every ſymbol of royalty was with- Ann. 1648.
drawn, and it was commanded that he ſhould be ſerved by his attendants without ceremony. Even in this alarming ſituation, he was little apprehenſive of his approaching fate; ſtill retained the opinion of his importance; never ſuffered himſelf to believe it poſſible, that his enemies would venture to proceed to a public trial and execution; and in his converſation was ſo imprudent as to declare, before his guards, that he expected deliverance by a foreign power.

From the ſecond of January to the nineteenth of the ſame month the terms of the important trial had been adjuſting. The ſpecial commiſſion was compoſed of the prime officers of the army, ſeveral members of the lower houſe, and ſeveral citizens of London: It conſiſted of one hundred and thirty-three

Though the charge was regarded as a very malicious one by all but the bigots of the royal party, and though the King himſelf acknowledged, That, as touching the preſervation of his perſon from poiſon, or any other deſign againſt his life, he was ſo confident of the honeſty and faithfulneſs of the governor, that he thought himſelf as ſafe in his hands as if he was in the cuſtody of his own ſon, yet the Lords appearing very forward in the buſineſs, Oſborne was diſcharged from the cuſtody to which he had been committed for endeavoring the King's eſcape, and left at large to proſecute Rolph, who was ſent to the Gatehouſe, and againſt whom an impeachment was ordered to be drawn. The matter was afterwards referred to the proper court, and Rolph was acquitted by a jury of his peers, a circumſtance which offended highly the bigoted royaliſts; and in particular that fiery partizan, the earl of Clarendon, who, both on this occaſion, and on the hanging of one Burley for the beating up a drum to arms to attempt the King's reſcue, reflects very bitterly on parliament, judge, and jury.

Ann. 1648. perſons *, and was nominated the High-Court of Juſtice. Bradſhaw, a lawyer of note, was by his fellow commiſſioners elected preſident; Coke was appointed ſolicitor for the people; Doriſlaus Steele and Aſk, aſſiſtants to the court; Weſtminſter Hall was fitted up for their ſitting; and the ceremony with which the whole tranſaction was conducted, correſponded in pomp and dignity to the ſingular, the great occaſion: A ſovereign prince brought before the tribunal of his own ſubjects, and tried by their delegates for his miſgovernment and breach of truſt. Dendy, the ſerjeant at arms to the houſe of Commons, by beat of drum and ſound of trumpet, had, in the Palace-Yard, at the Old-Exchange, and in Cheap ſide, proclaimed to the people the time when the commiſſioners of the high-court of juſtice commenced their ſitting; and that all thoſe who had any thing to ſay againſt the King would be heard.

The King's trial, execution, and character.

ON the twentieth of January, the commiſſioners proceeded in ſtate from the Painted Chamber to Weſtminſter-Hall. Colonel Humphry carried the ſword before the preſident, ſerjeant Dendy the mace, and twenty gentlemen (commanded by colonel Fox) attended as his guard of partizans. The royal priſoner, who, for the purpoſe of his trial, had been removed from Windſor to St. James's, was by a ſtrong guard of muſqueteers conveyed by water to Weſtminſter-

* Though there were one hundred nominated to the high commiſſion, there was not above fifty odd who had courage enough to engage perſonally in the daring office.

minſter Hall. A chair of crimſon velvet was prepared for him within the bar, and thirty officers and gentlemen waited with halberts behind it. The ſolicitor of the Commons, in his charge againſt the King, repreſented, That Charles Stewart, being admitted King of England, and entruſted with a limited power, had, with the wicked deſign to erect an unlimited and tyrannical government, traitorouſly and maliciouſly levied war againſt the people and their repreſentatives: That, on the behalf of the people, he did, for this treaſonable breach of truſt, impeach him as a tyrant, a traitor, a murderer, and a public and implacable enemy to the commonwealth. Ann. 1648.

ON the concluſion of the charge, the King demanded by what authority he was brought before that court *? He told the commiſſioners to remember he was their King, their lawful King, and to beware of the ſins with which they were going to ſtain themſelves and the land. He was anſwered by the preſident, that he was tried in the name and authority of the parliament aſſembled, and the good people of England. Charles objected, That both King and houſe of Lords were neceſſary to conſtitute a parliament: He had a truſt, he ſaid, committed to him by God, by old and lawful deſcent; and he would not betray it to anſwer to a new and unlawful authority: He again bade the commiſſioners remember he was their

* Ludlow ſays, That the King interrupted the clerk whilſt he was reading, and exclaimed, "I am not entruſted by my people; they are mine by inheritance." *Ludlow*, p. 107.

Ann. 1648. hereditary ſovereign; and that the whole authority of the ſtate, when free and united, was not entitled to try him, who derived his dignity from the ſupreme majeſty of heaven: That, admitting thoſe extravagant principles which place the origin of power in the people, the court could plead no authority delegated by the people, unleſs the conſent of every individual, down to the meaneſt, the moſt ignorant peaſant, had been previouſly aſked and obtained *: There was no juriſdiction on earth could try a King: The authority of obedience to Kings was clearly warranted and ſtrictly commanded both in the Old and New Teſtaments: This, if denied, he was ready inſtantly to prove; "Where the word of a King was there was power, and who might ſay unto him, what doſt thou?" He owned, he ſaid, he was entruſted; a ſacred truſt had been committed to him by God, the liberties of his people, which he would not betray by recognizing a power founded on violence and uſurpation: He had taken arms, and frequently expoſed his life, in defence of public liberty, in defence of the conſtitution, in defence of the fundamental laws of the kingdom, and was now willing to ſeal with his blood thoſe precious rights for which he had ſo long in vain contended. To the King's extravagant aſſertion, that he had taken up arms to defend the liberty of the conſtitution, and that he now pleaded for the rights and freedom of all his ſubjects, the preſident

* This argument is mere ſophiſtry; ſince the ſenſe of the people, in their collective capacity, never can come to any determined concluſive point, unleſs the ſenſe of the majority is binding to the whole.

returned,

returned, "How great a friend, Sir, you have been to the laws and liberties of the people, let all England and the world judge: Your actions have ſufficiently declared it, and your meaning has been written in bloody characters throughout the kingdom." The court was reminded by the priſoner, that the laws of England determined the King could do no wrong; however, he was able, he ſaid, by the moſt ſatisfactory reaſons, to juſtify his conduct; but muſt forego the apology of his innocence, leſt, by ratifying an authority no better founded than that of robbers and pirates, he ſhould be juſtly branded as the betrayer, inſtead of applauded as the matyr, of the conſtitution. Ann. 1648.

THREE ſeveral days the King was produced before the court, and as often urged to anſwer to his charge. The fourth, on his conſtantly perſiſting to decline its juriſdiction, the commiſſioners, after having examined witneſſes *, by whom it was proved that the King had

* One of theſe witneſſes gave an evidence of the King's want of ſincerity in his laſt treaty with the parliament, at Newport, in the Iſle of Wight. The witneſs, Henry Goode, depoſed, That having acceſs to and diſcourſe with the King at Newport, he told him, that, ſince his majeſty had juſtified the parliament's taking up arms, he did not queſtion but the Preſbyterian party would ſtick cloſe to him; that to this the King had replied, he would have all his old friends know, that, though for the preſent he was contented to give the parliament leave to call their own war what they pleaſed, yet he neither did then, nor ſhould decline the juſtice of his own cauſe. Moreover, upon the deponent's ſaying his majeſty's buſineſs was much retarded through want of commiſſions, the King made anſwer, That being upon a treaty, he would not diſhonor himſelf; but if the deponent would go over to the prince his ſon, who had full authority from him,

Ann. 1648. appeared in arms againſt his people, proceeded to pronounce ſentence againſt him. Before the paſſing ſentence, Charles earneſtly deſired to be admitted to a conference with the two houſes: he had ſomething to propoſe, he ſaid, which he was ſure would be for the welfare of the kingdom and the liberty of the ſubject. It was ſuppoſed that he intended to offer to reſign the crown to his ſon; and ſome of the commiſſioners preſſed that he might be heard. This was not the opinion of the majority; and the commiſſioners returning from the court of Wards, where they had adjourned to conſult on the King's propoſal, acquainted the priſoner, that his requeſt was conſidered as a delay of juſtice. The preſident paſſed ſentence of death, by ſevering the head from the body; and all the members of the court ſtood up in token of approbation.

An example of juſtice, from which they had ever regarded their rank to be totally exempt, awakened in every ſovereign prince a ſenſe of horror and indignation; whilſt political reaſons, of a different nature, inclined them to endeavor to prevent the change of government in England. The French court was now ſincere in their interpoſition for favor to the King; and the Dutch employed very earneſt interceſſions for the preſervation of his life. All ſolicitations were found vain. The Scots fruitleſly exclaimed

him, he or any for him ſhould receive whatever commiſſions they ſhould deſire. *Ruſhworth*, vol. VII. p. 1413.

and

and proteſted; the prince wrote an ineffectual letter to the army, and the queen to the parliament. Three days only were allowed the King between his ſentence and his execution *. This interval he paſſed in reading and devotion; and preſerved, from the time when his intended fate was known to him, to his laſt moment, a perfect tranquillity and compoſure; nor can his bittereſt enemies deny, that in his conduct, under the dreadful apprehenſion of a violent death were united the magnanimity of heroiſm and the patience of martyrdom. Ann. 1648.

To mark to the gaping multitude the triumph of popular juſtice over royal rank, the ſcaffold for execution was erected before the palace at Whitehall; care was taken that it ſhould be ſufficiently ſurrounded with ſoldiers, to prevent diſorder or interruption; and the King, finding himſelf ſhut out from the hearing of the people, addreſſed a ſpeech to colonel Tomlinſon, the commander of the guard, in which he attempted to juſtify his innocence in the war he had levied, termed it defenſive, accuſed the parliament of having firſt enliſted forces †, and averred that he had

* Clement Walker, a petulant writer of the Preſbyterian party, in his Hiſtory of Independency, has propagated the following calumny on the parliament and army: That they lodged the King in an apartment at Whitehall, ſo near the deſtined place of execution, that his retirement and even reſt were diſturbed with the noiſe of the workmen employed in framing the ſcaffold; whereas, in fact, the King remained at St. James's till the very morning of his execution, when he walked acroſs the Park, and from thence was carried in a coach to Whitehall.

† See, on this ſubject, vol. III. of this Hiſtory, p. 273, *& ſeq.*

no

Ann. 1648. no other object in his military operations than to preſerve entire that authority which had been tranſmitted to him by his anceſtors; inſiſted on a perfect innocence towards his people; obſerved, that the unjuſt ſentence now inflicted on him was an equitable return for that which he had ſuffered to be inflicted on Strafford; forgave his enemies; and exhorted the people to return to the paths of obedience, and ſubmit to the government of their lawful ſovereign, his ſon and ſucceſſor. Biſhop Juxon, whoſe attendance (though a cold inanimate ſpeaker, and very incapable of raiſing the thoughts beyond their natural bounds) the King had very particularly and earneſtly deſired *, remembered his maſter, that the people would expect him to make ſome declaration on the point of religion: On this the King very earneſtly proteſted, that he had ever lived, and now died in the religion of the church of England. Whilſt he was preparing for execution, the biſhop poured out a few inſipid lifeleſs exhortations: To theſe the King returned, "I go from a corruptible to an incorruptible

* Ludlow tells the following anecdote of this biſhop: When the doctor was acquainted with the King's condition and deſires, he, being altogether unprepared for ſuch a work, broke out into theſe expreſſions; "God ſave me! what a trick is this that I ſhould have no more warning, and I have nothing ready!" But recollecting himſelf a little, he put on his ſcarf and his other furniture, and went to the King; where, having read the Common-Prayer and one of his old ſermons, he adminiſtered the ſacrament to him, not forgetting to uſe the words of the confeſſion ſet down in the Liturgy, inviting all thoſe who truly repent to make their confeſſion before the congregation then gathered together, though there was no one preſent but the King and himſelf. *Ludlow*, p. 109.

crown,

crown, where no diſturbance can have place." Then laying his head upon the block, the executioner (whoſe face was concealed in a vizor) ſevered it with one ſtroke from the body: an aſſiſtant (in the like diſguiſe) held it up to the ſpectators, ſtreaming with blood, and, after the uſual manner obſerved in ſimilar executions, cried aloud, "This is the head of a traitor." Ann. 1648. Jan. 30.

THUS, by a fate unparalleled in the annals of princes, terminated the unfortunate life and turbulent reign of Charles Stewart; a monarch whoſe principles, conduct, fortune, and death, by powerfully engaging the oppoſite affections attending the different views and different intereſts of men, have given riſe to bitter and irreconcileable conteſt. Regarded as the martyr to church * and ſtate, the patron of the clergy, the ſupport of the nobility, we behold him, in the repreſentations of a conſiderable party, adorned with every flower of panegyrick: By the bigots of a different perſuaſion, his memory, notwithſtanding the tribute he paid to his crimes, is held in the higheſt deteſtation. The partizans of Liberty applaud his fate; the liberal and humane condemn and pity him: To a mind ſoftened by habits of amuſement, and intoxi-

* The opinion of Charles's dying a martyr to the church is grounded on his refuſing to give ſatisfaction, on this article, in his laſt treaty with the parliament; but, if there is any credence to be given to Lilly, the King would have ſigned the propoſitions in the form ſent down to him, had he not been diverted from it by the lord Say, on the hopes that the parliament would conclude with him upon eaſier terms. *Lilly*, p. 72, *& ſeq.*

Ann. 1648. cated with ideas of self-importance, the transition from royal pomp to a prison, from easy, gay, and luxurious life to a premature and violent death by the hands of an executioner, are punishments so sharp and touching, that, in the suffering prince, we are apt to overlook the designing tyrant, to dwell on his hardships, and forget his crimes. Compassion is the constant attendant of liberal minds; and the commiseration of Charles's singular and unfortunate fate, but for the interests of truth and the violence of his partizans, would have inclined all such to have thrown the mantle of oblivion over the dark parts of his character, and only to have remembered that he bore his sufferings in a manner which would have done honor to the best cause. From such indulgence the ill-fated Charles is necessarily excluded: History is called upon to scrutinize with exactness his principles, conduct, and character; since, from the false colorings which by designing men have been thrown on these, and the rancor with which his opponents have been falsely aspersed, have been deduced consequences destructive to the security and welfare of man, and highly injurious to the reputation of patriot citizens.

In the character of Charles, as represented by his panegyrists, we find the qualities of temperance, chastity, regularity, piety, equity, humanity, dignity, condescension, and equanimity; some have gone so far as to allow him integrity; and many writers, who condemn his political principles, give him the title of a moral man. In the comparison of this representation

sentation with Charles's conduct, accurately and justly described, it is discernible that vices of the worst tendency, when shaded by a formal and plausible carriage, when concordant to the interests of a faction and the prejudices of the vulgar, assume the appearances of, and are imposed on the credulous world as, virtues of the first rank.—Passion for power was Charles's predominant vice; idolatry to his regal prerogatives his governing principle *: The interests of his crown legitimated every measure, and sanctified in his eye the widest deviation from moral rule. His religion was to this a secondary and subordinate affection: The prelates of the church of England paid him an impious flattery; they inculcated a slavish dependance on the regal authority; the corruptions in their ecclesiastical discipline fostered superstition; superstition secured their influence over the people; and on these grounds, and to these ends, they kept an interest in the King's heart, which continued to the last period of his life †. If Charles had an higher Ann. 1648.

* The History of Coins affords an anecdote which shews Charles's affections towards prerogative and popular rights: In the years 1601, 2, 3, 4, and 5, there were several coins stricken in Scotland by James the First, bearing on their reverse the motto, "*Salus populi suprema lex esto.*" In the first year of Charles's government, he altered on his coins the just sentiment of this motto, to "*Salus reipublicæ suprema lex esto.*"

† In the British Museum, N° 122, there is a MS. letter from the King to his queen, dated from Newcastle, 1646, wherein he tells her, That whoever gave her the advice that he should submit to take the damned covenant, was a fool or knave; that it was the child of rebellion, and breathed nothing but treason; that if episcopacy was to be introduced by the covenant he would not take it, for he was as much

Ann. 1648. eſtimation of the faith in which he had been educated than of Popery, it was beceuſe the principles of Popery acknowledged a ſuperior allegiance to their ſpiritual than their temporal prince; but regarding that ſuperſtition to be more favorable to the intereſts of monarchy, he preferred it to the religion of any differing ſect, and publicly avowed his wiſh, that

much bound in conſcience to do no act for the deſtruction of monarchy as to reſiſt hereſy. In a letter of the ſeventeenth of October, from the ſame place, the King, in anſwer to the queen's preſſing importunity (by Davenant) for his agreeing to the eſtabliſhment of Preſbyterian government, ſays, That ſuch an eſtabliſhment would make him but a titular King; that a flower of the crown, given away by an act of parliament, is not recoverable; that if the ſupremacy in church affairs was not a flower of the crown, he knew not what was; that the difference between epiſcopal and Preſbyterian government was one of the leaſt of his diſputes with the parliament, who, under the pretence of a thorough reformation, did intend to take away all the eccleſiaſtical power of government from the crown; that they would introduce a doctrine which taught rebellion to be lawful, That the ſupreme power is in the people, to whom kings were accountable. In a letter of the twentieth of November, the King tells the queen, That unleſs religion was preſerved, the militia (being not, as in France and other kingdoms, a formed powerful ſtrength) would be of little uſe to the crown; that if the pulpits had not obedience, which would never be if Preſbyterian government was abſolutely eſtabliſhed, the King would have but ſmall comfort of the militia; that for his three years conceſſion of Preſbyterian government, he never heard that any right was yielded ſo long as the claim was kept up, which was clearly done by the article of a debate by divines how the church ſhould be governed, the determination being ſtill free to him and the two houſes, on which if his conſcience was wronged, he could blame nothing but his own want of courage. In the end of this letter the King ſays, He is confident that he ſhall in a ſhort time be recalled with much honor, and that his friends would ſee he had neither a fooliſh nor a peeviſh conſcience. *Britiſh Muſeum*, MS. 6988.

there

there never had been a ſchiſm in the church. Neither gratitude *, clemency, humanity †, equity, nor generoſity ‡, have place in the fair part of Charles's character. Of the virtues of temperance, fortitude, and Ann. 1648. Birch's Enquiry, p. 297.

* The favors which Charles's fortunes occaſioned him to receive from his ſubjects, he regarded only as obligations of duty to their prince; and any failure, either through motives of conſcience or regard to perſonal ſafety or intereſt, in the lengths he exacted of them, cancelled the merits of former ſervices. Of all the nobility and gentry ſlain in his ſervice, the only individuals whoſe premature death, it is obſerved, he gave any public teſtimony of regretting, were Sir Charles Lucas and Sir George Liſle, when his mind was ſoftened by long adverſity.

† Notwithſtanding Clarendon's extravagant encomium on the King for theſe virtues, the ſevere puniſhments he inflicted on ſeveral individuals, by the court of Star-Chamber, ſhew an extreme rigor in regard to offenders who oppoſed his government and opinions.—Ludlow and other writers aver, That the priſoners of war, in places immediately under his command, were treated with inhuman cruelty; and there are ſome traits of hiſtory which ſhew an indifference, or rather hardneſs of heart, to the ſufferings of others. One, which is to be met with in the Strafford Papers, mentions the King's laughing at the relation of an officer's having loſt part of his cheek in an engagement: this anecdote happened in the beginning of his reign. The ſame Papers make mention of a great unfeelingneſs, or rather harſhneſs, in the King's behavior to his ſervant Cottington, on the melancholy occaſion of his wife's death. Lilly, the aſtrologer, who knew the King well, and who was ſometimes conſulted on his future fortunes, ſays, That in the times of war he was ſeldom ſeen to be ſorrowful for the ſlaughter of his people or his ſoldiers. *Lilly's Obſervations on the Life and Death of King Charles, ed.* 1715, p. 13.

‡ The innovation of laws committed to his truſt, with ſeveral means as well as unjuſt acts, teſtify this. In particular, in the commencement of his reign, he diſpenſed by proclamation with the legal obligation his ſubjects lay under to buy the honor of knighthood; and then levied fines upon them for non-performance.

perſonal

Ann. 1648. perſonal bravery, he was undeniably poſſeſſed. His manners partook of the diſſipation, and his converſation of the indecency of a court *. His chaſtity has been called in queſtion by an author of the higheſt repute †; and were it allowed, it was tainted by an exceſs of uxorioufneſs, which gave it the properties and the conſequences of vice. The want of integrity is manifeſt in every part of his conduct; which, whether the corruption of his judgment or heart, loſt him fair opportunities of reinſtatement in the throne, and was the vice for which, above all others, he paid the tribute of his life. His intellectual powers were naturally good, and ſo improved by a continued exerciſe, that, though in the beginning of his reign he ſpoke with difficulty and heſitation, towards the cloſe of his life he diſcovered in his writings purity of language and dignity of ſtyle, in his debates elocution and quickneſs of conception. The high opinion he

* Before the commencement of the civil wars, plays, and every kind of diſſipation which the times afforded, reigned in the King's court. Milton, in his maſterly Defence, &c. againſt Salmaſius, taxes the King with amorous indecencies committed in public; and, notwithſtanding the contrary has been ſo ſtrongly aſſerted by Clarendon, there are two paſſages in the Sydney Papers which demonſtrate that the converſation of the court, and even of Charles himſelf, was not only indelicate but lewd.

† Milton, in his Defence, &c. gives ſhrewd intimations that the King was defective in the point of chaſtity. Lilly ſays of him, That he honored the virtuous, and was very ſhy and choice in wandering in irregular paths; that when he did, it was with much cautiouſneſs and ſecrecy; that he never proſtituted his affections but to thoſe of exquiſite perſons or parts. The ſame author aſſerts that Charles had one or two natural children. *Lilly*, p. 11.

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entertained of regal dignity occaſioned him to obſerve Ann. 1648.
a ſtatelineſs and imperiouſneſs of manner, which, to the rational and intelligent, was unamiable and offenſive; by the weak and the formal, it was miſtaken for dignity *. In the exerciſe of horſemanſhip he excelled; had a good taſte, and even ſkill in ſeveral of the polite arts; but, though a proficient in ſome branches of literature, was no encourager of uſeful learning, and only patronized adepts in the jargon of

* In the King's palaces different rooms were allotted to the different ranks of the nobility and gentry; and orders were hung up in every apartment, forbidding all perſons below a certain quality to enter. The obſervance of theſe ridiculous diſtinctions was exacted with ſuch rigor, that Sir Henry Vane the younger, having intruded himſelf into an apartment allotted to a ſuperior rank, was ſo ſuddenly, whilſt in diſcourſe, ſurpriſed with the King's appearance, that, not having opportunity to retire unperceived, he hid himſelf behind a large carpet, which hung before a ſideboard cupboard: in this ſituation he was diſcovered by the King, who, with an unmanly inſolence, ſtruck him with his cane. Even in Charles's days of humiliation, he ſtruck colonel Whaley for the omiſſion of ſome ceremony, or fancied diſreſpect; and when Sir Thomas Fairfax (who proved one of the principal actors in his overthrow) preſented him on his knees a petition, the King, who knew the contents would be diſagreeable to him, turned haughtily away, with a motion ſo ſudden that the petitioner was hurt by his horſe's feet, and had like to have been trampled to death. With manners ſo inſolent and provoking, the King's general carriage was ſtiff and formal, to a degree which carried the appearance of high contempt, to his inferiors. Clarendon ſpends many pages in panegyriſing the King on the article of his ſtatelineſs; ſets forth the glories of Solomon's court as an example for all princes to follow; and obſerves, That its pompous ceremonies ſtruck the queen of Sheba with the high idea ſhe is ſaid to have conceived of Solomon's wiſdom: This, though a very natural ſentiment in a female princeſs, is a little out of character in the mouth of a moraliſt, a philoſopher, and an hiſtorian. *Carte's Life of Ormond*, vol. I. p. 356, *& ſeq.* *Clarendon's Hiſtory.*

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Ann. 1648. the divine right and utility of kings and biſhops. His underſtanding in this point was ſo depraved by the prejudices of his education, the flattery of prieſts, and the affections of his heart, that he would never endure converſation which tended to inculcate the principles of equal rights in men; and notwithſtanding that the particularity of his ſituation enforced his attention to doctrines of this kind, he went out of the world with the ſame fond prejudices with which he had been foſtered in his nurſery, and cajoled in the zenith of his power *.

CHARLES was of a middle ſtature; his body ſtrong, healthy, and juſtly proportioned; his face was regular, handſome, and well complexioned; and his aſpect melancholy, yet not unpleaſing. His ſurviving

† In apology for Charles's government, it has been often advanced, that the ſame tyrannical principles prevailed equally in thoſe of all his predeceſſors, and in particular in the government of that favorite ſovereign queen Elizabeth; that Charles only endeavored to preſerve the rights he found in the crown; and that the uſurpation began on the ſide of the Commons. In contradiction to this aſſertion, it is to be obſerved, that Charles, by offering to bring things back to the courſe preſerved in church and ſtate during Elizabeth's government, acknowledged he had innovated both. Were it granted, that the Commons made the firſt attack on the eſtabliſhed encroachments of the crown, was that ſuppoſed right to be defended by any mean? Charles's ſituation, and conſequently his political conduct, differed widely from that of Elizabeth and the reſt of his fortunate predeceſſors: in the peaceful poſſeſſion of their tyranny, they ruled a willing people, and preſerved the forms of the conſtitution. The oppoſition with which Charles encountered engaged him in breach of faith, in civil war, and other criminal tranſactions; whilſt his inflexible tenacity, with the ſteady oppoſition of the Commons, muſt, had he prevailed, have deſtroyed every principle of Liberty in the conſtitution.

iſſue

iſſue were three ſons and three daughters *. He was executed in the forty-ninth year of his age, and buried, by the appointment of the parliament, at Windſor, decently, yet without pomp. The duke of Richmond, the marquis of Hertford, the earls of Southampton and Lindſay, at their expreſs deſire, were permitted to pay the laſt duty to their maſter, but were denied (by colonel Whitchcot, the governor of Windſor-Caſtle) the uſe of the burial ſervice, according to the book of Common-Prayer †. Ann. 1648.

A QUESTION whether the people, in any caſe, have a right to depoſe and puniſh their ſovereign, became, Arguments on the ſubject of the King's execution.

* Charles prince of Wales, born in 1630; James duke of York, in 1633; Henry duke of Gloceſter, in 1641; Mary princeſs of Orange, born in 1631; Elizabeth, in 1635; and Henrietta, in 1644.

† Of the voluminous works publiſhed in Charles's name, his letters and meſſages to the parliament, during his ſtrict confinement in the Iſle of Wight, are known to be his, with ſeveral letters written to the queen and others. Whether he was the author of the Eikon Baſilike, a work ſaid to be compoſed by him in the decline of his fortunes, has been a matter highly conteſted. The ſtile of this compoſition has great ſimilarity to the King's; the profeſſions to be found in it, though contrary to the whole tenor of his conduct, he had often publicly made; many of the ſentiments are his own, and others he had always aſſumed; yet the proofs, brought by Toland to evince that this work was not the King's, lord Clarendon's total ſilence on ſo important a point, and the teſtimony of the duke of York, as related by Burnet, have more than equal weight againſt the arguments of the royaliſts. There is a letter ſaid to be written by Charles, during his laſt treaty with the parliament, and addreſſed to the prince of Wales, which Burnet, by the ſame teſtimony, hints to be ſpurious: Though tinctured with Charles's prejudices, it is full of moral ſentiments; and were it not for the King's inſincere conduct with the parliament in regard to Ireland, at the very time it was ſuppoſed to be written, would argue his reformation in the point of integrity.

Ann. 1648. on the death of Charles, the ſubject of earneſt debate, and was purſued by the high-church and prerogative party with the utmoſt violence and acrimony. The ſufferings of the royal martyr, for ſo the deceaſed monarch was termed, were compared to thoſe of Chriſt the Redeemer: In the compariſon, the hardſhips of the King's caſe (on account of his rank) were ridiculouſly and impiouſly preferred; and the crucifiers of their God, by churchmen and their adherents, were regarded with an inferior deteſtation to the murderers of their King *. The corrupt doctrines which

* Symmons's Parallel, publiſhed in 1648. Various ſermons; in particular one preached by the biſhop of Down, before Charles the Second, in the year 1649, printed at Breda, and reprinted at London in 1720; one preached on February 4, 1648, entitled "The Deviliſh Conſpiracy, &c." and another by Dr. Binks, preached on the thirtieth of January, before the lower houſe of Convocation, in 1701, and cenſured by the houſe of Lords, as a juſt ſcandal and offence to all Chriſtian people.—The following paſſages, out of the biſhop of Down's ſermon, are given as ſpecimens of the doctrines and opinions of high-church divines; viz. "The perſon now murdered was not the Lord of glory, but a glorious lord, Chriſt's own vicar, his lieutenant and vicegerent here on earth; and therefore, by all laws divine and human, he was privileged from any puniſhment which could be inflicted by men. Albeit he was an inferior to Chriſt, as man is to God, yet was his privilege of inviolability far more clear than was Chriſt's; for Chriſt was not a temporal prince, his kingdom was not of this world, and therefore when he vouchſafed to come into the world, and to become the ſon of man, he did ſubject himſelf to the law; but our gracious ſovereign was well known to be a temporal prince, a free monarch, and their undoubted ſovereign, to whom they did all owe and had ſworn allegiance. The parliament is the great council, and hath acted all and more againſt their lord and ſovereign than the other did againſt Chriſt: the proceedings againſt our ſovereign were more illegal, and in many things more cruel. The true religion delivered unto us in ſcripture, and profeſſed in the true, ancient,

had been taught by the clergy were currently broached Ann. 1648.
as ſtandards of political and divine truths; and the utmoſt depravity of human reaſon appeared in the conteſt. Monarchy was repreſented as a form of government of God's immediate appointment; kings his ſacred vicegerents, whom to reſiſt was impious, to depoſe was damnable, to puniſh was atrociouſly criminal beyond the hope of mercy; nor could the utmoſt height of depravity in the nature, or wickedneſs in the conduct of a monarch, excuſe, in any degree, ſuch an act of juriſdiction in revolted ſubjects. Syſtems, on the principles of fate and neceſſity, were written to ſupport the doctrines of ſlavery: A paternal and legiſlative power in kings was attempted to be proved by ſucceſſion from Adam; of whom it was abſurdly aſſerted, that he was by God inveſted with the abſolute power of life and death *.

cient, and Catholic church, doth teach us to honor and obey the King, as God's miniſter ſet over us; and that the injuries of kings, though ever ſo great, are to be endured by their ſubjects, who have no other remedy, and are to uſe no other arms againſt their King, than to pray unto God for him, who hath the hearts of kings in his hand, and may turn them when he thinks fit."

The following paſſage, in a letter from general Digby to the marquis of Ormond, ſhews that the impious nonſenſe preached in theſe and ſucceſſive times, to the end of queen Anne's reign, were not only to be found in the doctrines of the high-church clergy, but had taken deep root in the opinions of their followers. "From the creation to the accurſed day of this damnable murther, nothing parallel to it was ever heard of. Even the crucifying our Bleſſed Savior, if we conſider him only in his human nature, did nothing equal this; his kingdom not being of this world; and he, though unjuſtly condemned, yet judged at a lawful tribunal." *State Letters. Carte*, vol. III. p. 607.

* Theſe nonſenſical opinions are fully confuted in two maſterly performances of Locke and Sydney.

Ann. 1648.

As the ſcriptures were wreſted to authorize the doctrines of the adverſary, ſo the partizans of Liberty, from the ſame ſource, argued, That the death of a bloodſhedder was required by the Lord, who by his word cautions againſt the reſpect of perſons, or the exempting individuals from judgment on account of their authority; that men of all ranks and orders were included in this command; and, in caſe of the deficiency of the magiſtrate, were bound to ſee it fulfilled. On the rule of policy, they obſerved, That the conſtitution of a King did not take away that lawful defence againſt force and injury allowed by the law of nature: That even the civil laws which were imperial, declared, that we are not to obey a prince ruling above the limits of the power entruſted to him; for the commonwealth, by conſtituting a King, doth not rob or deprive itſelf of the power of its own preſervation: That God having given the world to no one man, nor declared how it ſhould be divided, left it to the will of man: That government and magiſtracy, whether ſupreme or ſubordinate, was a mere human ordinance: That the laws of every nation were the meaſure of magiſtratical power: That Kings, the ſervants of the ſtate, when they degenerated into tyrants, forfeited their right to government: That where there is a covenant and oath, there muſt be coactive power to enforce it: That the oaths of allegiance were to be underſtood as conditionally binding, according to the obſervance of the oaths kings made to their people: And that neither the laws of God nor nature were againſt the people's laying aſide Kings and kingly government, and the adopting more convenient

Goodwin's Defence of the Honorable Sentence.

The Reſolver, &c. quarto, ed. 1648.

Sydney's Diſcourſes on Government, quarto ed. 1763.

Milton's Tenure of Kings and Magiſtrates.

Goodwin's Defence.

Milton's Defence, &c. againſt Salmaſius.

nient forms. To the oppoſition of the Preſbyterians, it was objected, That he whom they had exclaimed againſt in their pulpits as a tyrant, as an enemy to God and ſaints, as laden with all the innocent blood ſpilt in the three kingdoms; that he whom they had devoted to perdition, with exhortation to curſe, in the name of God, all thoſe who did not make war againſt him; was without penitence or alteration in his firſt principles, a lawful magiſtrate, a ſovereign lord, the Lord's anointed, his perſon ſacred, though they had formally denied him his office, and every where reſiſted his power, but where it ſurvived in their own faction. To their arguments of indefeaſible right it was returned, that though a derivative power was committed in truſt from the people to Kings and magiſtrates, yet it remained fundamentally in its ſource: That to ſay a King had as good a right to his crown and dignity as another man to his inheritance, was to make the ſubject no better than his ſlave; yet, even on the ſuppoſition of hereditary right, there were crimes for which hereditary right was juſtly forfeitable: That to ſay a King was accountable to none but God, was neither founded on command, precept, nor reaſon; that it was the overthrow of all law, and the deſtruction of good policy: That the authority of the ſcripture, in the example of the Iſraelites, eſtabliſhed the right of chuſing and changing government: That God himſelf had given the preference to a republic, as a more perfect form than a monarchy, and more ſuitable to the conditions of mankind; and that Chriſt bore teſtimony againſt the abſolute

Ann. 1648. Tenure of Kings and Magiſtrates.

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Goodwin's Defence.

Milton's Defence, &c. againſt Salmaſius.

nient forms. To the oppoſition of the Preſbyterians, it was objected, That he whom they had exclaimed againſt in their pulpits as a tyrant, as an enemy to God and ſaints, as laden with all the innocent blood ſpilt in the three kingdoms; that he whom they had devoted to perdition, with exhortation to curſe, in the name of God, all thoſe who did not make war againſt him; was without penitence or alteration in his firſt principles, a lawful magiſtrate, a ſovereign lord, the Lord's anointed, his perſon ſacred, though they had formally denied him his office, and every where reſiſted his power, but where it ſurvived in their own faction. To their arguments of indefeaſible right it was returned, that though a derivative power was committed in truſt from the people to Kings and magiſtrates, yet it remained fundamentally in its ſource: That to ſay a King had as good a right to his crown and dignity as another man to his inheritance, was to make the ſubject no better than his ſlave; yet, even on the ſuppoſition of hereditary right, there were crimes for which hereditary right was juſtly forfeitable: That to ſay a King was accountable to none but God, was neither founded on command, precept, nor reaſon; that it was the overthrow of all law, and the deſtruction of good policy: That the authority of the ſcripture, in the example of the Iſraelites, eſtabliſhed the right of chuſing and changing government: That God himſelf had given the preference to a republic, as a more perfect form than a monarchy, and more ſuitable to the conditions of mankind; and that Chriſt bore teſtimony againſt the abſolute

Ann. 1648. Tenure of Kings and Magiſtrates.

Defence againſt Salmaſius.

Ann. 1648. Milton's Tenure.

abſolute authority of the Gentile governors*: That to reſiſt, depoſe, and kill weak and wicked princes, had been in part the conduct of the Reformed, and the favorite doctrine of Calviniſtical divines †: That, even in the caſe in queſtion, the King, by being deprived of his office, had been in a manner depoſed by both the Scotch and Engliſh Preſbyterians: That to war upon a King, that his inſtruments might be brought to condign puniſhment, to inflict ſufferance on the inſtruments, and not only to ſpare but defend and honor the author, was the abſurdeſt piece of juſtice to be called Chriſtian, and of reaſon to be called human, which ever yet entered the heads of men of reverence and learning.

THE poſitions to be found in theſe arguments, That government is the ordinance of man; that, being the mere creature of human invention, it may be changed

* "Abſolute monarchy (ſays Locke, that deep and accurate reaſoner, on the principles of government and ſubjection) is inconſiſtent with civil ſociety, and therefore no form of civil government. Where men have no ſtanding rule to appeal to on earth, they are ſtill in a ſtate of nature, and under all the inconveniencies of it; but with this woeful difference to the ſubject of an abſolute prince, that as, in an ordinary ſtate of nature, he is at liberty to judge of, and maintain his right under ſuch government, as if degraded from the common ſtate of rational creatures, he is denied that privilege, and ſo expoſed to all the miſeries which a man has to fear from one, who, being in the unreſtrained ſtate of nature, is yet corrupted with flattery, and armed with power. *Locke on Civil Government, oct. ed.* 1764.

† Zuinglius, Calvin, Bucer, Peter Martyr, Gilby, Chriſtopher Goodwin, John Knox.

or

or altered according to the dictates of experience, and the better judgment of men; that it was inſtituted for the protection of the people, for the end of ſecuring not overthrowing the rights of nature; that it is a truſt either formally admitted, or ſuppoſed; and that magiſtracy is conſequently accountable*; will meet with little contradiction in a country enlightened with the unobſtructed ray of rational learning. Syſtems of ſlavery, condemned to oblivion by general neglect, are no where to be found but among the lumber of a univerſity; nor, till the light of letters are again extinct, will another Filmer ariſe, to diſpute the equal juſtice of God, and the natural freedom of mankind. Ann. 1648.

ON general grounds it muſt be indiſputably acknowledged, that the partizans of Liberty gained a complete triumph over the adverſary; on the particular circumſtances of the caſe in queſtion it muſt be allowed, they diſcovered error and fallacy. "The abſence of twice ſo many members, ſays Goodwin (on the argument that the parliament, by whoſe authority the high court of juſtice was erected, was no true parliament), as were detained from the houſe by force doth not at all maim its legitimacy, nor diſable its legal authority, in reſpect of any parliamentary end

* "Who, ſays Locke, ſhall be judge whether his truſtee or deputy acts well, and according to the truſt repoſed in him, but he who deputes him, and muſt, by having deputed him, have ſtill power to diſcard him when he fails in his truſt? If this be reaſon in particular caſes of private men, why ſhould it be otherwiſe in caſes of the greateſt moment, where the welfare of millions is concerned?" *Locke on Civil Government.*

or

Ann. 1648. or purpoſe whatſoever. The detainment of ſome of their members from them by force doth not alter the caſe, in reſpect of nulling the authority or parliamentary power of thoſe who did ſit, eſpecially they not conſenting or being acceſſary to ſuch their detainment. Suppoſe ſome of their members, employed by them in carrying meſſages or petitions to the King, during the time of the wars, had been forcibly detained by him, would ſuch a reſtraint laid upon them by the King have diſſolved the parliamentary authority of the houſe?" No, it would not; but if the houſe had been garbled of all thoſe members who were engaged in an oppoſite intereſt to the King, and none but his creatures permitted to ſit, it certainly would: aſſertions like theſe, without argument, diſgrace the cauſe they were intended to defend. A parliament under any undue influence or force can do no conſtitutional act; and it is to be diſputed whether, in a free capacity, the joint powers of both houſes reach to the warring with or dethroning their King *: The oaths of ſupremacy and allegiance †, every form of law, are againſt it. Sovereignty

* The queſtion here is not, What is fit and convenient? but, What the forms of the conſtitution preſcribe? Not, Whether the King, who, on abuſe of power, can only be diſpoſſeſſed of it by ſtate convulſions and civil contention, ought to be veſted with ſovereignty, or the houſe of Commons, ſuppoſed to be the free elected repreſentative of the people, whoſe members, on a breach of truſt, can at ſtated periods be diſpoſſeſſed of their authority, without violence, or the infringement of the forms of the conſtitution?

† When the Commons declared themſelves the ſupreme authority of the nation, they aboliſhed the oaths of ſupremacy and allegiance to the King.

and

and juriſdiction over ſovereignty is a contradiction in terms *; and in all the addreſſes of the two houſes to the monarch, far from aſſuming ſuperior or equal ſtations in the legiſlature, they acknowledge a ſubordinate inferiority †. Ann. 1648.

To attempt the defence of that eminent act of juſtice, the King's death, on the narrow bottom of conſtitutional forms, is to betray the cauſe of Liberty, and confound both truth and reaſon. When a ſovereign, by enlarging the limits of that power with which he is veſted for the protection of the people, weakens the authority of laws, and conſequently the ſecurity of the ſubject; when he acts in oppoſition to the juſt ends for which government was inſtituted, and from a protector of the commonwealth becomes an enemy; when, by breach of truſt and non-performance of obligations, the good purpoſes of his inſtitution are inverted; his truſt and right to government from that period are forfeited ‡, the tie of al-

* On the ſide of the cavalier faction were, in general, the forms of law; on the ſide of their opponents, magnanimity, juſtice, ſenſe, and reaſon.

† In the ſtyle of ſome very late addreſſes, of the collective and repreſentative bodies, can hardly be diſcerned the characters of a free people.

‡ "All power, ſays Locke, is given with truſt for the attaining an end; being limited by that end, whenever that end is manifeſtly neglected or oppoſed, the truſt muſt neceſſarily be forfeited, and the power devolve into the hands of thoſe who gave it; who may place it anew, where they ſhall think beſt for their ſafety and ſecurity." *Locke*, p. 82.

Ann. 1648. legiance is diſſolved, and the law and the conſtitution being rendered incapable of affording the ſubject protection, he is no longer bound by their forms or dictates, and may juſtly, by the right of ſelf-preſervation, take every probable mean to ſecure himſelf from the lawleſs power and enterprizes of the tyrant *. It is on theſe grounds the parliament are to be defended in the war they made on the King: It is on theſe grounds the army, as they profeſs in ſeveral declarations, ſupported their pretenſions; not as ſervants to the dictates of a maſter, but as fellow-citizens in ſupport of equal Liberty. The parliament, as watchmen for the commonwealth, were to repreſent to the people their danger: The parliament, as elected by the people for the purpoſes of guarding the Liberties of the conſtitution, though not formally inveſted with the power of oppoſing by the force of arms a tyrannical headſtrong prince, yet this power being, by the nature of their office, rationally implied, it was a duty binding in conſcience and in honor: The parliament, by the advantages which the poſſeſſion of part of the authority of the government

+ "Where the body of the people, ſays Locke, or any ſingle man, is deprived of their right, or is under the exerciſe of a power without right, and have no appeal on earth, then they have a liberty to appeal to heaven, whenever they judge the cauſe of ſufficient moment; and therefore, though the people cannot be judge, ſo as to have, by the conſtitution of that ſociety, any ſuperior power to determine and give effective ſentence in the caſe, yet they have, by a law antecedent and paramount to all poſitive laws of men, reſerved that ultimate determination to themſelves which belongs to all mankind, where there lies no appeal on earth; viz. To judge whether they have juſt cauſe to make their appeal to Heaven. *Locke*, p. 347.

gave

gave them, were entitled to lead in the undertaken Ann. 1648.
war againſt the encroachments of power; but not, as maſters of the community, to mould the conſtitution at their pleaſure, and gain to themſelves the ſole benefits of the conqueſt: The parliament, on the principles of ſelf-defence, on the principles of equity and reaſon, without reſpect to conſtitutional forms, had a right to oppoſe the tyrant to the utmoſt; ſo, upon the ſame principles, had the collective body of the people; ſo, upon the ſame principles, had any party or individual of the people. Exclude this poſition, and all governments are equal tyrannies; the deſtroyers, not the preſervers of the rights of nature.

NEVER any prince who ſat on the Engliſh throne had made greater innovations in the government than Charles; never any prince had laid deeper ſchemes againſt the freedom of the conſtitution; never any prince, even to the laſt period of his life, had manifeſted in his conduct leſs title to farther truſt. The parliament, the majority of whom were Calviniſts, againſt the ſenſe of their fellow-aſſociates, the army, who had borne the danger, the burthen, and heat of the day, neglecting or rather betraying the cauſe of equal Liberty, on the pretence of which they had began the contention, attempted by a coalition with the King to eſtabliſh their own authority over, and coerce their religion upon, the people. The army, who had fought for Freedom, not for a change of tyranny, on the ſame grounds of equity on which the firſt quarrel was began, oppoſed their meaſures, and overpowered their authority.—Againſt the objection, That

on

Ann. 1648. on theſe poſitions all government muſt be unſtable, that good and juſt, as well as bad and tyrannical, would be liable to be ſhaken by the intereſted views and giddy enterprizes of a faction, it is to be obſerved, that theſe objections, though common, are weak and deſigning; the fears of the frail, the ignorant, and the wicked: Government never can ſtand on better, never on firmer, never on equitable grounds, than on its good behavior. Juſt government will be felt, its advantages will be ſeen, its ſecurity will be fixed in the hearts of its ſubjects, not to be ſhaken by the fantaſtic or ſelfiſh ends of individuals. The experience of all times ſhews, that the people are with difficulty moved to aſſert their rights, even againſt the moſt obvious, the moſt oppreſſive tyrannies.

APPENDIX.

APPENDIX.

The WARRANT for the Execution of King CHARLES I.

WHEREAS Charles Stewart, king of England, is, and ſtandeth convicted, attainted, and condemned of high-treaſon, and other high crimes; and ſentence upon Saturday laſt was pronounced againſt him by this court, to be put to death by the ſevering of his head from his body; of which ſentence, execution yet remaineth to be done: Theſe are therefore to will and require you to ſee the ſaid ſentence executed in the open ſtreet before Whitehall, upon the morrow, being the 30th day of this inſtant month of January, between the hours of ten in the morning, and five in the afternoon of the ſame day, with full effect. And for ſo doing, this ſhall be your ſufficient warrant. And theſe are to require all officers, ſoldiers, and others, the good people of this nation of England, to be aſſiſting unto you in this ſervice.

To col. Francis Hacker, col. Huncks, and lieut. col. Phray, and to every of them.

Given under our hands and ſeals.

Sealed and ſubſcribed by

John Bradſhaw,
Tho. Grey,
Oliver Cromwell,
Edward Whaley,
Michael Liveſey,
John Okey,
John Danvers,
John Bourcher,
Henry Ireton,
Tho. Maleverer,
John Blackiſton,
John Hutchinſon,
William Goffe,
Tho. Pride,
Peter Temple,

Tho. Harriſon,
John Huſon,
Henry Smith,
Peregrine Pelham,
Simon Meyne,
Tho. Horton,
John Jones,
John More,
Hardreſs Waller,
Gilbert Millington,
George Fleetwood,
John Alured,
Robert Lilburn,
William Say,
Anthony Stapeley,

Richard Deane,
Robert Tichburne,
Humphrey Edwards,
Daniel Blagrave,
Owen Roe,
William Pureſoy,
Adrian Scroope,
James Temple,
Auguſtine Garland,
Edmond Ludlow,
Henry Martin,
Vincent Potter,
William Conſtable,
Richard Ingoldſby,
William Cawley,

John Barſtead,
Iſaac Ewers,
John Dixwell,
Valentine Walton,
Gregory Norton,
Tho. Chaloner,
Tho. Wogan,
John Ven,
Gregory Clement,
John Downs,
Tho. Wayte,
Tho. Scot,
John Carew,
Miles Corbet.

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